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THE LEAGUE'S BUSINESS

Appointment of Two New Committees.—At its recent meeting, the executive committee of the National Municipal League decided to appoint a committee to recommend revised sections on civil service for a new edition of our *Model City Charter*. The following committee has been appointed by President Childs to recommend the suggested section on civil service and any other minor revisions in the *Model City Charter* which are deemed necessary: Lent D. Upson, Detroit Bureau of Governmental Research, *chairman;* Fred Telford, Bureau of Public Personnel Administration, *secretary;* William C. Beyer, Philadelphia Bureau of Municipal Research; Robert M. Goodrich, Taxpayers' League of St. Louis County, Duluth; H. Eliot Kaplan, National Civil Service Reform League; and Clarence E. Ridley, International City Managers' Association.

For some time it has been apparent that we should have a model administrative code to supplement our *Model City Charter* and to provide the legal machinery for making city management effective. The executive committee has, therefore, authorized the appointment of a special committee to formulate a model administrative code. It is realized, of course, that the task of this committee will probably require a year or two for completion. The following committee has been appointed by President Childs to carry on this very important project: W. Earl Weller, Rochester Bureau of Municipal Research, *chairman;* Emmett L. Bennett, Cincinnati Municipal Reference Bureau, *secretary;* John B. Blandford, Cincinnati Bureau of Governmental Research; Robert T. Crane, University of Michigan; John N. Edy, city manager, Berkeley, California; Welles A. Gray, Municipal Administration Service; Walter Matscheck, Kansas City Public Service Institute; and Stephen B. Story, city manager, Rochester, New York.

*

The Secretary's Lament.—As everyone knows, Clinton Rogers Woodruff was one of the organizers of the National Municipal League and served as its secretary for twenty-six years—from 1894 to 1920. Mr. Woodruff has contributed the following statement of the plight of the average organization secretary. This can be accepted as authoritative, for few have had longer and more conspicuous service than he.

If the secretary writes a letter, it is too long.
If he sends a postal, it is too short.
If he issues a pamphlet, he's a spendthrift.
If he attends a committee meeting, he is butting in.
If he stays away, he is a shirker.
If the attendance at a meeting is slim, he should have called the members up.
If he does call them, he is a pest.
If he duns a member for his dues, he is insulting.
If he does not collect, he is lazy.
If a meeting is a howling success, the program committee is praised.
If it's a failure, the Secretary is to blame.
If he asks for advice, he is incompetent, and if he does not, he is bull-headed.

Ashes to ashes,
Dust to dust,
If the others won't do it,
The Secretary must.

RUSSELL FORBES, *Secretary.*

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EDITORIAL COMMENT

Chicago citizens have come to the rescue of the city and Cook County by subscribing $74,000,000 to a trust fund to enable the local governments to meet payrolls and other imperative charges until July 1. To meet the emergency the war-time liberty-loan brigade was summoned to action. The necessary amount was pledged in a thirteen-day drive not unlike the war drives of twelve years ago. The application of the money to the needs of government is controlled by a managing committee which administers the trust fund. For details see Edward M. Martin's note in the Notes and Events department of this issue.

*

M. D. Lack, writing in the *California Tax Digest*, calls attention to the excesses in which California cities have indulged with respect to special assessments. In Los Angeles, he writes, special assessment expenditures have increased from $5,524,000 in 1923 to $40,000,000 in 1928. In another city whole blocks, once occupied by beautiful bungalow homes, are now empty and deserted because their owners preferred to abandon them rather than pay the ruinous special assessments levied against them. The preparation of and adherence to long-term programs of public improvements is urged as a method of curing the difficulties which have been caused by too rapid developments to be paid for by special assessments against benefits which do not accrue.

*

The Pennsylvania Supreme Court has ruled that the plan for a consolidated metropolitan government for Pittsburgh, which was defeated at the polls last June, cannot be resubmitted until the legislature provides for another referendum. Readers will recall the measure rejected by the voters was an optional charter handed down by the legislature in pursuance of a constitutional amendment adopted in 1928. Sponsors of consolidation had hoped that the people might have another chance to adopt the charter without the necessary intervention of the legislature.

*

Mayor Curley of Boston is out to secure some form of consolidated government for the Boston metropolitan region. His suggestion is that something similar to the London borough system may be practicable in Boston. In furtherance of this purpose he has appointed a committee to develop a plan for a Greater Boston. Professor Joseph J. Beale of Harvard Law School, chairman of the committee, is at present in England making a study of the London area. Other members of the committee include Professor William B. Munro of Harvard and Professor Carroll W. Doten of the Massachusetts Institute of Technology.

At the annual town meeting in 1929 the citizens of Pembroke, Massachusetts, voted for a special committee to draw up a five-year budget program for the town. The committee was duly appointed by the selectmen. Although it appears to have issued no report, Stanley B. Hall, a minority member, has drafted a report in the form of a five-year plan for financing the government of the town. Pembroke spends somewhat less than $200,000 per year on its town government, and citizens of similar municipalities may be interested in learning of the methods which Mr. Hall pursued in preparing his long-term budget as an aid to similar undertakings for their own cities. Mr. Hall should be addressed at 106 Main Street, Brockton, Mass.

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With the appearance of the first number of *State Government*, the magazine of the American Legislators' Association, is announced the establishment of this organization on a firm footing. Henry W. Toll of Denver, to whose energy and vision the undertaking is due, is director of the Association. The first concern of the organization, which has been in process of growth for the past three years, is to establish an interstate legislative reference bureau and to organize standing committees, with adequate secretarial services, for study and report upon matters of concern to legislators. The first number of the new magazine presents an attractive format. The first article is a tribute to the late Dr. Charles McCarthy of Wisconsin, who is properly termed the Trail Blazer in legislative reference work.

✻

Uniform Crime Reports—A Fundamental Need Fulfilled

For the first time in our history we are on the threshold of a nation-wide system of uniform crime statistics. In January the Committee on Uniform Crime Records began the publication of a monthly bulletin entitled *Uniform Crime Reports*. Bruce Smith of the National Institute of Public Administration is editor. The first issue contained reports of crimes committed in 400 cities in 43 states. In February the number had increased to 494 cities in 44 states, and more are constantly being added. We can now look forward hopefully to the preparation of the needed factual basis without which any intelligent attack upon crime is impossible.

Only those who have been in close touch with the movement for uniform reporting can appreciate the difficulties which have attended the accomplishment of this introductory step. On the surface the task appears simple. But because of the excessive decentralization of crime treatment in the United States, years of study and agitation were necessary before *Uniform Crime Reports* could see the light of day. The bulletin contains the returns of "offenses known to the police" which are voluntarily submitted by the municipal police departments. It is therefore the product of education and of coöperation in the strictest sense of the word. More particularly it is a consequence of three years' research under the auspices of the International Association of Chiefs of Police. Police Commissioner William P. Rutledge of Detroit is chairman of the committee of police chiefs which has the work in charge. Dr. Lent D. Upson is chairman of the advisory committee, and Bruce Smith is director of staff.

Preparatory to the filing of the municipal returns, the Committee on Uniform Crime Records first prepared a pamphlet entitled "Uniform Crime Reporting; a Complete Manual for Police." This was followed by "A Guide for Preparing Annual Police

Reports." With these two documents in hand the various municipal police departments have been able to bring their crime statistics to a comparable basis.

Later, the monthly returns will be consolidated into annual compilations of crimes committed, and data from rural districts will be included. The bulletin is published at 261 Broadway, New York.

✻

A City Civilization

Whether we condemn cities as sinks of iniquity or praise them as centers of civilization and progress, we are driven to the conclusion that they are changing human life. What the country thinks of the town is revealed in any state constitutional convention which undertakes to revise the basis of apportionment in the state legislature in favor of proportionate representation for the big cities. What the town thinks of the country is suggested by "yokel," a word which Mr. Mencken and his school delight to use. We fear or love the city, as our temperaments incline us, with little basis or reason for our attitudes.

It is encouraging, therefore, to note that the sociologists are paying increasing attention to the problem of what urban life does to people. Professors Burgess and Park are uncovering suggestive material in their community research in Chicago. Messrs. Anderson and Lindeman in their *Urban Sociology*, published in 1928, pointed out new trends of social development for which the city is responsible. J. G. Thompson's *Urbanization*, published a year earlier, was a vehement if not convincing *apologia* of the city as a liberalizing and civilizing force in all history. Steiner's *The American Community in Action*, and Burr's *Small Towns* should also be mentioned.

Now comes a book by two professors of the University of Minnesota entitled, *Principles of Rural-Urban Sociology*,[1] in which urban and rural traits are analyzed, compared and measured. For the most part the method is statistical and judicial. The evidence has been gathered from all countries and climes, and its very wealth may frighten the general reader. But despite the statistics and the sociologist's trade vocabulary the book is interesting and packed with useful knowledge to anyone who seeks to interpret our age.

The authors find that people still live to a greater age in the country than in the city, although the infant death-rate in cities is being lowered to the level of the country. Crude death-rates are not decisive as showing improvement in urban health conditions because of modern gains in infant death-rates and the more rapidly falling birth-rate in the cities which is reducing the proportion of urban population in the lowest age group in which mortality is highest. The claim that rural children are less healthy than urban, it is said, is not supported by the facts although home and school sanitary conditions are poorer in the country.

The percentage of proprietors in the country is higher and the proportion of wage earners lower than in the city. This, together with absence of great extremes of wealth, renders the rural population more stable politically.

Socialism and communism require city air. Agricultural movements in politics have been directed to maintaining the wide distribution of private property against forces which were undermining the ownership of land. The farmer wants low taxes and a minimum of socialism.

[1] *Principles of Rural-Urban Sociology.* By Pitirim Sorokin and Carle C. Zimmerman. New York: Henry Holt & Co., 1929. xv, 652 pp.

The preponderance of economic power, however, rests with the cities, and political power gravitates there also. The farmer has therefore been weak in politics. His insistence upon a continuation of his excessive representation in state legislatures and in Congress may not be so unreasonable after all. Although rural groups are taxed out of all proportion to ability to pay, the authors state that these groups participate less in the services and subsidies of government than the urban groups. In our judgment, however, this last assertion is of doubtful validity.

The farmer is less inclined to split his ticket at elections than his city contemporary, according to the authors. Ticket-splitting, they believe, is not a sign of a more advanced political intelligence, since there is greater mobility in city life, together with less homogeneity and better facilities of publicity. But, we would suggest, city governments may get better administration of government because of the urban tendency to split tickets; and rural government probably is relatively as corrupt as that of cities and less efficient. The county courthouse ring may not enjoy as heavy spoils as its urban counterpart, but it may be questioned whether its motives are any higher.

Our authors take sharp issue with those who have asserted that city people have a greater native intelligence (whatever that may mean) than rural folk. They point out that comparative intelligence tests upon which such conclusions are based have been conducted by persons with an urban bias, working with urban tools, measuring activities of an urban nature without allowance for the greater cultural opportunities in the city. They also deny that superior psychological types are migrating in disproportionate number to the city or that there is any proof that the relative intelligence of farm children is decreasing. Cities occupy a higher place in the productivity of genius; but this, say the authors, is due to previous generations of social selection and not to innate capacity. Because there is not a corresponding flow of talent from the city to the country, ability tends to concentrate in the former.

That the city excels in crime is commonly believed. City populations probably do yield a greater proportion of offenders than country populations, although when place of birth is considered there is some evidence to indicate that the city's record is increased somewhat by country-born migrants. But the authors deny that a disproportionate number of such migrants are born with criminal proclivities. They seem to prefer the explanation that boys "go wrong" after they reach the city rather than that they move to the city because of better opportunities to make crime profitable. They would probably insist that the country is still the best place in which "to bring up a boy." Yet after reading the array of reasons which the authors marshal to explain why the crime rate is higher in cities we are surprised and relieved to know that, all things considered, the rural crime rate is only "somewhat lower than that of the urban population."

Sorokin and Zimmerman may fairly be called partisans of the farm as the "preserver" of culture against the city which is the "inventor" of culture. If the city is not the crowning jewel of modern civilization, as some writers would have us believe, it at least is no engine of destruction. And if the country is maintaining its cultural level; if the city is not sifting the nation's talent and attracting all the best to itself, so much the better.

HEADLINES

At last reports, a city manager bill for Newport stood a fair chance of passing the Rhode Island General Assembly. Passage of the measure would remove from Rhode Island the stigma of being the only New England state which does not permit the council-manager plan.

* * *

The act for the reorganization of the state administrative departments of Kansas, providing for a state manager, failed of passage in the 1930 special session of the legislature last month.

* * *

A bill providing for a commission of three senators, five assemblymen, and three appointees of the governor to make a "comprehensive study" of county government was passed by the New York legislature this month. The commission was instructed to report recommendations for amendments to the state constitution to the legislature by February 1, 1931.

* * *

Labor is coming to appreciate more and more that its interests lie in the direction of the manager plan and its resultant efficiency in administration. The latest word is from Kansas City where union building trades workers outspokenly endorse the manager plan.

* * *

The office of commissioner of budgets and accounts has been established in Westchester County, New York, by action of the state legislature. The commissioner will be appointed by the board of supervisors for a six-year term.

* * *

While regional government is generally regarded as essential to give North Jersey a chance to compete for business and population with Greater New York, proponents of a bill to set up such government were dubious of its passage by the New Jersey legislature as the session was drawing to a close.

* * *

"If I were a state legislator," declared Senator George W. Norris of Nebraska recently, "I would urge my state to petition Congress for a convention to revise the constitution." Thirty-two states—the necessary number—have petitioned Congress for a convention. Of these, however, eight states limited their appeals to the direct election of United States senators.

* * *

St. Paul voters probably will have another chance at the manager plan on June 16. With substantial changes the charter that was defeated last fall is expected to be resubmitted on that date. One of the significant alterations is that providing for district representation in the council.

* * *

So far this year three cities have adopted the manager plan by charter. They are Mamaroneck, N. Y., Shawnee, Okla., and Fort Atkinson, Wis. Among those scheduled to vote on the plan in April were Dallas, Texas, and Owosso, Mich.

Appleton, Watertown and Marinette, Wis., turned the plan down last month. Kenosha, Wis., and Gainesville, Texas, where the plan has been in operation, voted to retain it.

* * *

One does not always have to be a cook to take a hand in the broth. In Wisconsin recently, a disbarred attorney ran for the job of supreme court judge, thereby calling attention to the fact that in the Badger state, one need not be an attorney to be on the supreme court bench.

* * *

During the period of prosperity the city manager of Cincinnati with a committee of city, state and federal agencies, working with private employers, developed a system to stabilize employment. Forewarned is forearmed. When slack times arrived last fall, Cincinnati was one of the few cities in the country ready for the emergency.

* * *

Working on the job of recodifying laws and ordinances, the city ordinance committee of Morgantown, W. Va., dug out some interesting information. For example, it is anticipated that an ordinance of 1905, prohibiting swimming in Decker Creek unless the swimmer be clothed in a bathing suit from neck to knee and with full coverage of both arms, will not be included in the revised code.

* * *

When the shoe fits, even the governor of Michigan will put it on. Faced with the threat of injunction proceedings if he constructed a state police broadcasting system without a permit from the Federal Radio Commission, Governor Fred W. Green shouted "States' Rights" and declared he would go ahead with the project. A court battle looms.

* * *

Formation of the City of Greater St. Louis by consolidation of the city and county is part of a plan for metropolitan government of the Missouri metropolis being drafted by Prof. Thomas H. Reed of the University of Michigan. The details of this proposal will be made public next month. Organization of a city-county government has also been recommended for Seattle, Wash., in a recent survey.

* * *

The Indianapolis City Manager League will throw its strength behind a movement to obtain a home rule amendment to the state constitution. Home rule, of course, would open the way again for adoption in Indianapolis of the city manager plan which was held to be unconstitutional by the Indiana Supreme Court six months ago.

HOWARD P. JONES.

HOW CINCINNATI MET THE UNEMPLOYMENT CRISIS

BY C. O. SHERRILL AND FRED HOEHLER

City Manager and Director of Welfare of Cincinnati

One of the fine accomplishments of the new civic spirit of Cincinnati has been its successful attack upon unemployment. Plans to meet the crisis when it should come were made months in advance. :: ::

NOTHING in life is more heartrending than to see long queues of men of all ages, races, and conditions, lined up at soup kitchens with not a penny in their pockets, footsore and weary, unwashed and ragged—the jobless of whom the large industrial cities have had so many on their streets this winter. Although Cincinnati has also experienced unemployment, the suffering has been somewhat less than most other large cities, because of the stability of industries in Cincinnati and the advance efforts of its citizens to be ready to meet such a crisis.

Practical men of affairs who have studied the problem and have experimented with remedies are finding that not only is unemployment fraught with serious social ills, but it is also "a needless waste which cuts down business profits." They have concluded that "the amount of unemployment in any one business or industry is often the measure of inefficiency in that business or industry and that a reduction of unemployment is usually reflected in the balance sheet by an increase of net income."

Government has usually considered employment matters to be the sole concern of industry and labor. It is only within the last few years that national, state, and municipal governments have realized their obligation to give every possible assistance to efforts to stabilize employment. This assistance is being rendered by the national government through the educational and fact-finding work of the department of commerce. This work was given a great impetus when President Hoover, then secretary of commerce, called attention through national conferences to the intimate relation existing between stability of employment and general national prosperity. Without continuity of employment at good wages, there can be no sustaining purchasing power, and hence, inevitably a series of booms and panics. Later on, as president, Mr. Hoover took a further and epochal step in the stabilization of business, labor, and financial conditions through a series of important conferences following the stock-market crash.

Many of the states have also recognized their responsibility in these matters by establishing state employment agencies of varying degrees of efficiency. The state of Ohio has a complete system of such agencies covering the state and located in each of the large municipalities. The various cities coöperate in the operation of these agencies, and share in the expense of their upkeep. Although there has been much done recently in these undertakings by national and state governments, it is still inevitable that the final solution of the details of employment problems must, in the main, be a local

one facing each individual city, for the reason that any unemployment results in the suffering of its citizens and this reacts at once on the local public and private relief agencies which must see that this suffering is relieved, oftentimes at great expense and with unsatisfactory results both to the taxpayers in general and to the unemployed.

No more demoralizing, depressing, and unsatisfactory method of relieving unemployment has been tried than the dole system, or the constant giving of funds by governmental agencies without any obligation on the recipient to earn them. The necessity of caring for the unemployed is still a pressing one but emphasis is being laid more and more upon the question of preventing unemployment. It has, therefore, become the concern of government and industry so to stabilize and equalize employment as to give every family a living wage each day in every year or to reach as close to this goal as thoughtful and foresighted plans will permit.

CINCINNATI BEGAN PREPARATIONS MORE THAN A YEAR AGO

The city manager of Cincinnati over a year ago decided that intelligent planning should precede the next unemployment emergency that Cincinnati had to face. He appointed a permanent committee on stabilizing employment. The purposes of this committee are to study the problem of stabilizing employment and to create machinery to handle an unemployment emergency when one should arise.

Serving on this committee are men widely representative of the business, governmental, and social service forces of the community. The subcommittees appointed concern themselves with the state-city employment exchange, continuous employment, temporary employment, public work, coöperation of social agencies, budget and finance, state and national coöperation, transients, fact-finding, and publicity and education.

Each of these subcommittees has a separate and distinct function and works as a unit, but the work of the permanent committee is coördinated through the department of public welfare. It will be noted that several of the committees are such as would function particularly in an unemployment emergency or pending an emergency of that sort.

The members of the general committee early realized that an intelligent handling of its problems demanded proper knowledge of the facts concerning employment. The subcommittee on fact-finding was formed for this special purpose. Its chief work was to determine the amount of unemployment, the amount of increase or decrease in this unemployment from month to month, and, in short, to obtain all such information as would be needed in the solution of the problems involved.

One of the first accomplishments of this subcommittee was an employment census for the city of Cincinnati. In this way, guesswork as to the number of unemployed was displaced by facts. The census which was the result of a house-to-house survey showed not only the number of the unemployed, but also the number of the employables and number employed on a part-time basis. Out of the 106,583 employable persons covered by this census, it was found that 88½ per cent were regularly employed, that more than 5 per cent were employed only part time, and that nearly 6 per cent were unemployed. This census was taken in May, 1929. This information together with the current statistical data which is now available to the committee gives a factual basis for determining the amount of unemployment from month to month.

The fact-finding subcommittee dis-

covered in the latter part of September and October, that there was a definite decline in the employed group of certain of the industries of Cincinnati. This decline was accelerated during November and it was then that the various subcommittees concerned themselves with meeting an unemployment emergency which, by this time, was quite in evidence.

CONTINUOUS EMPLOYMENT ENCOURAGED

The subcommittee on continuous employment worked to secure the acceptance by industry of the principle of providing work for as many as possible at reduced hours or by a plan of staggering employment so that it would not be necessary to lay off such a large percentage of their men. This principle was accepted by many of the concerns in Cincinnati and has helped to prevent a more serious unemployment situation in this city. Several large firms had previously accepted the principle of stabilizing employment and had clear and definite plans of continuous work for those whom they employed.

The committees urged city, county, and state governments to begin immediately on such public work as was practicable at that time. The result was that never before in the history of Cincinnati and Hamilton County has so much been accomplished in public work as during this winter period. The county commissioners in Hamilton County carried out an extensive program of improvement and the city manager in Cincinnati kept his various departments busy with all work which could be accomplished during the winter months. The adjoining cities of Kentucky united their efforts and used a large number of men in public work.

TEMPORARY JOBS SUPPLIED

The subcommittee on temporary employment, numbering nearly one hundred individuals, representative of various community groups and civic organizations in the city, set out immediately to secure a large number of temporary jobs. These relieved, in a small measure, the seriousness of the early days of the unemployment emergency. Following this, an industrial relief program was set up. This program provided necessary labor in public and semi-public institutions for the heads of families where unemployment resulted in request for relief. The expense of carrying this relief program was borne largely by the department of public welfare with the help of the community chest. In this program, more than five hundred heads of families were provided with work each week at hourly rates for a number of hours sufficient to maintain their families. Such work was of the type which needed to be carried on, but for which the agencies and departments did not have funds. It was in no way competitive with regular private employment, and the jobs could not have been handled if there had been no relief program set up by the department of public welfare and the community chest.

The committee on coöperation with social agencies was functioning all the time, receiving calls from the unemployed, sorting out those who were able to be cared for under the industrial relief plan, and referring to the social agencies those whose unemployment was only one of the problems which caused the need for relief.

The committee on transients working through the transient service bureau of the department of public welfare kept in close touch with the drifters or transient workers who came into Cincinnati and was able to inform them on employment conditions here and, by social treatment, handle their cases

as a separate problem from the general unemployment problem which faced the community.

RESULTS

In the opinion of those closest to the industrial situation in Cincinnati, the city manager's committee on stabilizing employment has had a very definite part in reducing the seriousness of the unemployment emergency which came to this city, as well as other cities, during the past few months. The general program of education and the constant reminder to all industrial concerns in the community of the seriousness of the economic loss involved in unemployment kept a number of employers from laying off men when it was possible to keep those men employed if only on part time. It was found that with the reduction of hours or the staggering of employment, many were able to secure sufficient money to carry their families over the period of depression. The general educational program carried on by this committee also secured the coöperation of householders in providing work while industrial jobs were scarce.

The improvement in and the increased prestige of the state-city employment bureau has enabled that agency to have a greater part in the placement of the unemployed than they have ever had before. Citizens and business houses were kept informed as to actual facts concerning unemployment in Cincinnati. There was no attempt either to exaggerate or to minimize the condition in the employment field. There is no question of the success attendant upon these efforts of industry, labor, and government in Cincinnati to stabilize employment during the present status.

THE CRUX OF THE WATER POWER ISSUE

BY WALTER C. HURLBURT

Rutgers University

Under existing court decisions can the public protect itself against exploitation if valuable water rights are transferred to private hands?

The crux of the water power problem in New York state lies in the answer to the following question: Can the valuable water rights of the St. Lawrence River be sold or leased to private interests without transferring to private hands a monopoly value, which can, in the future, be legally capitalized at a sum commensurate with what the traffic will bear? A study of the available evidence affords a convincing answer in the negative.

In the case of the *San Joaquin and K. River Canal and Irrigation Company* v. *Stanislaus County*[1] the Supreme Court of the United States ruled that the consuming public must pay a fair rate of return upon the fair value of water rights, regardless of the manner of acquisition. The Supreme Court said: "But even if the rate paid is not to be determined as upon a purchase of water from the plaintiff, still, at the

[1] 233/U. S. 454 (1913).

lowest, the plaintiff has the sole right to furnish this water, the owner of the irrigated lands cannot get it without the plaintiff's help and it would be unjust not to take this into account in fixing the rates." In other words, the Supreme Court allowed a monopoly value to a company engaged in public service on the theory that the company possessed the power to withdraw an indispensable commodity.

THE RIGHT TO APPROPRIATE AN UNEARNED INCREMENT

Throughout the case, the consumers of the water company's services did not deny that a situation existed, which, in the realm of free private enterprise, gave rise to monopoly values. The consumers did, however, affirm the belief that a distinction should be drawn between a regulated utility and a private enterprise and that the former, in view of its nature, was not entitled to values which it did not create. The real point at issue in the San Joaquin case revolved around the right of a public utility to appropriate an unearned increment. By a series of tortuous mental contortions, the duly constituted guardians of private property evaded the issue, and, in their own fashion, succeeded in rationalizing the conversion of public wealth into private gain.

Since the decision in the San Joaquin case, the various state commissions have been obliged to include the value of water rights in the rate base. If, in the future, St. Lawrence water power is developed by private interests, the New York state public service commission will be under the necessity of fixing the fair value of water rights. During the course of the investigation of the public service commission laws, Professor James C. Bonbright questioned William A. Prendergast concerning this point. The question was ruled out. However, the decision of the Supreme Court in the San Joaquin case leaves room for no possible shadow of doubt. *State commissions must make an allowance for water right values, regardless of the manner of acquisition.*

CHOICE OF FOUR MEASURES OF VALUE

Assuming that St. Lawrence water power is developed by private interests, the New York state public utility commissions of the future will have a choice of four measures of value when the time comes to determine the fair value of water rights. Original cost, earnings, cost of reproduction, and saving over steam are the accredited yardsticks.

In the past, original cost has been given scant consideration. A former New York commission ruled as follows: "Original cost cannot control. If original cost to the Standard Company why not original cost to the man who built the mill and if to him, why not the apportioned cost to the original grantee of the entire tract, which was probably nothing? If we can go back to him, we can probably go back to the Duke of York and find that the water rights of the entire state should not be capitalized at all. Whether they should have fallen into the hands of private owners or not is immaterial."

It is highly probable that the concept of original cost will always be viewed with distaste in New York state. A New York commission is, however, always at liberty to borrow the Wisconsin measuring rod of monopoly value. A Wisconsin commission has said: "This commission must try to find as near as may be what would be the market price did full competitive conditions apply. . . . Earnings and cost of development, etc., should be considered as they tend to throw some light on what would be the market value or price of the power

site were full competitive conditions in effect."

It is obvious that the use of earnings as a measure of water right values is tantamount to capitalizing water rights according to what the traffic will bear. If the value of water rights is used (in part) to measure earnings, but earnings are used to value the water rights, a vicious circle is created wherein higher earnings create higher valuations and higher valuations create higher earnings. Should a future New York commission adopt the Wisconsin yardstick, every increase in the state's population and purchasing power would revise the value of St. Lawrence water rights upward.

Should objections to capitalizing St. Lawrence water rights on the basis of earnings be encountered, a future New York commission can fall back upon the cost of reproduction hypothesis. How much would it cost to reproduce the St. Lawrence power sites? The theory is not quite as naïve as the question implies. The cost-of-reproduction theorists simply assume a series of sellers and buyers of water sites to be in existence. At any given time, cost of reproduction is equal to a hypothetical price as fixed by the forces of hypothetical supply and hypothetical demand schedules. How much would buyers give and sellers take for the St. Lawrence water rights? The answer to this question depends upon existing estimates of prospective earning power. Cost of reproduction turns out to be capitalized earnings surrounded by vague phraseology.

When a public utility commission finds itself hopelessly confused in attempting to measure the value of water rights by the use of earnings or cost of reproduction, the utility engineers are always ready to come to the rescue with the comparative-steam-plant method of ascertaining value. This method is, by far, the simplest way to measure the monopoly value inherent in water rights. The cost per horsepower per year of the existing water plant is subtracted from the estimated cost per horsepower per year of a hypothetical steam plant operating in the same locality, and the resulting sum is capitalized on the basis of "fair return." In other words, water right values are equal to the savings (duly capitalized) derived from the hydro-electric method of generating power.

The electric light and power consumers of New York state have no guarantee that a future New York commission will not follow the lead of some of the present state commissions in accepting the comparative-steam-plant hypothesis. Should St. Lawrence water rights fall into private hands and be valued on the basis of saving over steam, the people of New York state would be left subject to all the disadvantages attendant upon remoteness from coal mines while enjoying no advantages from living in a region abundantly supplied with water power. When saving over steam becomes a commission's yardstick of water right value, hydro-electric development becomes a matter of indifference to all save utility stockholders.

WHAT THE TRAFFIC WILL BEAR BECOMES THE TEST

The decision of the Supreme Court in the San Joaquin case, together with the refusal of state commissions to value water rights according to original cost, makes the following statement axiomatic. *When water rights fall into private hands the sole limitation upon the tribute which the monopolist can legally exact lies in the community's ability to pay.* The dialecticism of legal metaphysicians hardly alters the

facts of the case. Public utilities can and do legally capitalize unearned increments on the basis of what the traffic will bear. Under the circumstances, the regulation of utilities is a waste of the taxpayers' money. When a regulated utility is able to appropriate monopoly values, the primary purpose of regulation is defeated and the only road to freedom is public ownership and operation.

A few state commissions have seen the danger signals ahead. Although powerless to act in view of the decision of the Supreme Court in the San Joaquin case, former Commissioner Thelen of the California commission had this to say: "If it is true that the entire value of the water which a public utility secures by appropriation or otherwise, belongs to the utility, and that the public must pay rates on such value, it follows that where there is only one source of water supply for a municipality the water utility has the right to capitalize the entire life of the municipality. . . . In this case, for instance, it appears that, although the value claimed for water rights by Engineer O'Shaughnessy, the company's expert, in behalf of the Southern California water company, was almost $3,000,000, and the real value of these water rights, as claimed by Mr. O'Shaughnessy, was over three times this amount, all that was actually paid for water rights, as distinguished from land, was $12,500. No figures could more forcibly illustrate the dangers into which some of our courts are rushing the people of this state."

The water power issue is rapidly assuming a comic opera aspect. For example, a portion of the last annual report of the Federal Power Commission was devoted to a criticism of the public attitude toward hydro-electric generation of power by private agencies. The Federal Power Commission complained of "lack of public cooperation." A few weeks later, the Niagara Falls Power Company transmitted an informal claim for "fair value" to the Interstate Commerce Commission. According to Niagara Falls Power Company, the "fair value" of the property which it devotes to public service consists of (a) tangible fixed capital—$31,190,974; (b) intangible property—$5,762,143; (c) overhead costs—$8,718,334; (d) water rights —$32,000,000. The Federal Power Commission, if interested, should be able to discover reasons for the growing antipathy toward hydro-electric development by private agencies.

MANAGER CITIES IN ACTION

IV. THE VIRGINIA CITIES

BY ERNEST S. BRADFORD

It is in the medium-sized cities that manager government has had its fullest trial and the results are most clearly evident—cities such as Petersburg, Portsmouth and Lynchburg, Virginia, all ranging from thirty thousand to sixty thousand population. These three cities are here considered along with the larger city of Norfolk, and Staunton, the first city to adopt the manager plan. :: :: :: :: ::

Petersburg

The population of Petersburg in 1920 was 31,012; manager form began September, 1920. Petersburg I had visited before it turned over its new leaf and changed from a rambling city with historic monuments of Civil War days and stories of fierce battles between North and South to its present status as an industrial center. When I was there first, I was shown the moss-grown mounds of earth thrown up by the great explosions that followed the mining and counter-mining of Blue and Grey soldiers in 1865. Now they pointed out to me some of the largest trunk factories in the country, and huge plants manufacturing tobacco products. The town's appearance was completely altered. I had expected to find marked changes since my earlier visit of a dozen years before, but not such a well-paved, clean and busy city, with cement streets, concrete bridges, and an air of up-to-date neatness and prosperity. I asked the editor of the local paper how much of this was due to natural growth and how much to their modern method of government.

"Oh," said he, "Louis Brownlow came down here from Washington, D. C., where he had been one of their commissioners, and was our manager for nearly four years. He cleaned up the town, straightened and paved the streets, built sidewalks and gutters, put in a couple of needed bridges, and reorganized our finances entirely. He put the parks into use, constructing swimming pools in them, and making them accessible and popular. He made friends with everyone in the city, and when he left to become manager of Knoxville, Tennessee, we had quite a different city from what it was when he first came. The council picked a good manager and he made the town over. We had to spend some money, it is true, to catch up with the times, but no one regrets it."

"Brownlow saved us over forty thousand dollars during his term. Waste has been eliminated, graft has disappeared," said a local business man. I sat in at a meeting of the council in the evening, at which the mayor presided; there were present the other councilmen, the city manager, and the city attorney. The main business consisted of consideration of the school budget and some other matters, and I was astonished at the directness and speed with which the business was dispatched. Everyone had his say, and action on various items was taken promptly. There was a noticeable lack of political jockeying, and with the manager's

accurate information in hand, the council was able to complete its session in a short time.

A banker with whom I talked said that the manager plan is the established form now and no one would think of giving it up. Two business men said that Virginia in general and Petersburg in particular are convinced that having a business manager is a sensible way of operating a city government. All the council has to do is the planning; the manager carries out their orders.

The council first elected appears to have secured and kept the confidence of the voters. There were nine councilmen elected in the first eight years, an indication of this general confidence. The five councilmen whom I met included one lawyer (mayor), a wholesale feed merchant, a furniture man, a miller, and a machinist. The salary of the manager as fixed by the council for both Brownlow and Drewry was ten thousand dollars, and the opinion of those with whom I talked was that the city had saved each year several times this salary.

Dr. Drewry, a local man, head of a hospital, served as manager from January, 1924, until July, 1929, when he was succeeded by Paul Morton, who had previously been manager of Alexandria, Virginia, for four years.

The relation between the council and the manager was clearly set forth at the beginning of the first manager's administration:

"The council, when it chose the manager, told him that he was to be absolutely free in the administrative field, and that the council would confine its activities, collectively and severally, to matters of policy. That pledge has been kept. The council has determined the broad lines of policy; no member of the council has so much as made a suggestion to the city manager concerning the personnel of the municipal organization. No member has interfered, directly or indirectly, in any of the executive functions."

Norfolk

The population of Norfolk in 1928 was 184,200. The first manager of Norfolk, which has now had some twelve years' experience under its manager charter, was Charles E. Ashburner, the first manager of Staunton, Virginia, and afterward manager at Springfield, Ohio. He was manager of Norfolk from 1918 to 1923, leaving to become manager of Stockton, California. Ashburner, whom I met first in Staunton in 1910, is an outstanding character among managers. An engineer of ability, strong, energetic, forceful, impatient, sometimes arbitrary, he was just the man needed to remake Norfolk, changing it from a poorly planned and little-developed Southern town into an active Atlantic port-city. I had been in Norfolk before, and was struck with the great changes which had taken place in ten years, even more striking than in Petersburg. Part of it was due to the war, and to the better shipping facilities provided at that time; part to the natural growth of an undeveloped city, possessing certain great natural advantages; and part to better city government and capable managers.

I had difficulty in finding the facts. The first men I interviewed took the manager form so thoroughly for granted and considered it so long and firmly established that they did not regard it as open to discussion. Was manager government prompt, businesslike, efficient, representative of various classes of voters? Yes, oh yes! Why, when, where, to what extent? Perfunctory answers did not interest me, either for

or against, so it was not until I had located a number of unusually well-informed citizens that my questions were answered.

"We had a well-intrenched local ring in power," said a lawyer, "wasteful, unprogressive in policy, lax, corrupt. Everything was politics. It took some time to break its hold here. Our citizens all took hold, and we put in the new charter. Ashburner came as our first manager, and he remade the city. Under the old ward system a street would be paved for the several blocks which were located in the ward of councilmen in the ring, then run for several blocks unpaved, muddy and full of holes, then on again into another ward where the councilmen had enough influence to get pavement. There were few continuous main highways. We managed to elect a broad-gauge council free from the old lines, and the manager they selected began to do things."

The problem which faced the manager was that of rebuilding and renewing the city's entire equipment of streets, wharves, and, in fact, everything of governmental character. This involved a program of expenditure which was entered upon without hesitation and carried through successfully. One of the tasks was the establishment of a new water supply system, a job that cost some seven million dollars and has now provided the city with all the water it needs for some years to come. The old mayor and council had dodged responsibility for this much needed improvement so that the new administration had to shoulder an expense which should have been met a number of years before. The tax rate was not lowered, but a much-needed improvement was provided for.

A comprehensive plan of widening streets, extending them into new sections and paving them was entered upon by the first manager under a plan for connected and continued thoroughfares which had never previously been provided. New streets were cut through, narrow places widened, and easy access provided to all parts of the city.

When Ashburner left to become city manager of Stockton, California, a military engineer, named W. B. Causey, took his place and for two years attempted to carry on the work which had been begun under Ashburner. The job, however, was a somewhat different one, involving economy and retrenchment, for the first manager had spent money and the bond issues voted by the people had brought with them some discontent as to the cost of the new program. In 1925 Colonel Causey resigned and was succeeded by Mr. I. Walke Truxtun, who had been a member of the common council and the board of aldermen—for Norfolk had formerly a bicameral council with twenty-five members—and afterward a member of the new council under the first city manager. Mr. Truxtun is a local man, as distinguished from the other two who were from the outside; they were engineers, while he is a business man.

Truxtun comes of a well-known Southern family and was formerly regarded as a politician, but when criticized on this score, took the charge of being a spoilsman as an affront to his personal honesty, and declared he would support the ideals of council-manager government with every ounce of energy he possessed. From that time on he seems to have put into his manager's job all the energy which he formerly gave to his political activities. He talked to me about his school for policemen, asked about various sources of accurate information on city government, conferred with the mayor—president of the council, S. Heth Tyler,

who came in as I was leaving—and talked with a city employee who had an important complaint to make. Truxtun left the impression of one who is tremendously interested in his job.

RESULTS OF THE MANAGER PLAN IN NORFOLK

During the first five years of the city manager plan, from 1918 to 1923, the city of Norfolk accomplished the following results:

1. Paved 25 miles of streets.
2. Laid 197 miles of water mains.
3. Laid 26 miles of sewers.
4. Increased the capacity of their water works from 7 million gallons per day to 30 million gallons per day.
5. Developed municipal piers and grain elevator.
6. Reorganized police and fire departments.
7. Built municipal playgrounds.

The opinion of those with whom I talked is that the manager plan represents a very great advance over the old conditions. They say that "the first advantage is that of prompt action, which is possible with a council of five and a city manager, as contrasted with the old council of twenty-five which sometimes took six months to pass a single ordinance. But more than this, is the spirit of coöperation between council and manager which enables progress to be made in handling city affairs and the possibility of having a plan for the city's development which goes on year after year and is not changed every time a couple of new councilmen are elected." There were only nine councilmen elected in the first ten years of the manager plan; two members were still serving who were on the original manager's council. The result has been that these experienced councilmen supply a degree of stability in all of the policy-determining of the city. This is true of many other manager-governed cities. The higher-grade councilmen selected seem to command the confidence of the voters over a longer period of years than the regular run of ward councilmen.

Leonard D. White, writing regarding the Norfolk situation in 1926, characterized it as illustrating "in a notable way the emergence of a successful manager from the ranks of local politicians." If this is due here, as he suggests, to the strength attained by the ideals of council-manager government, how important it is that these ideals shall be fixed firmly in the public mind by the first managers.

STAUNTON

When I first heard of a city having a business manager, in 1910, I travelled over from Richmond to Staunton to see what it was like. Charles E. Ashburner, who had been a maintenance engineer on the C. & O. Railroad, had been hired to fill the job of general manager, created by the council by ordinance passed in January, 1908, at a salary, as I recall, first of $2,000 and later $2,500 a year.

Ashburner had already saved his salary several times over by improvements which he had introduced, and was in great favor with the council, but I could see that he was irritated by criticism from those who did not like the new idea, and resented their efforts to hamper his activities. Ashburner was purchasing agent for all the city departments, and a general coördinator of all the city work; he was described as a close buyer, a good engineer, a hard worker, and anxious to drive ahead. After three years and a half, Ashburner left to return to private engineering practice in Richmond, later to become manager of Springfield (Ohio), Norfolk, and Stockton.

S. D. Holsinger—even-tempered, knowing his community and possessing a large amount of common sense—became manager after Ashburner left in 1911, and gave general satisfaction for nearly twelve years, until he resigned (February, 1923) to fill a better-paying county office.

Willard F. Day followed Holsinger as manager in March, 1923, and has been there over seven years. The manager plan is so strongly intrenched in public favor that when a local Republican boss and a local Democratic boss pooled forces in an effort to secure a special election to vote on abandoning the charter, they could not muster enough signers to get the project under way.

"There is no sentiment against the manager form," said the editor of the Staunton *News-Leader*, "except among a few of our old political standbys. Twenty years of good government have raised our ideals so much that we should never think of going back to the old days of partisan control and ward politics."

Manager W. F. Day gave to me practically the same statement regarding the progress of Staunton, as measured by its net indebtedness, as was published later; part of it being as follows:

"One index for comparing the debt of the city before the council-manager plan with the debt after twenty years' continued operation would be the ratios of net debt (gross debt less sinking fund) to the allowable debt limit expressed in terms of percentage. In 1908 the net debt was 85 per cent of the maximum allowed by the state constitution. Today it is but 54 per cent of the legal limit. In addition to this reduction the city's assets have been increased. The bonds issued for the electric light plant, fire department building, and five public schools all built since 1908 are included in the above figures.

"Staunton's assets in the way of streets, sewers, and other public improvements have tremendously increased since 1908, but being financed from current revenue, no bonds were issued to add to the city debt. This alone justifies the pay-as-you-go policy and proves the wisdom of following a sound and conservative debt policy."

Of the five men comprising the present city council one member, S. P. Selling, was on the 1908 council which made the idea a reality. He has served the city for twenty years. Another member of the present body was on the special committee which investigated and reported on the famed general (or council) manager plan. He has served fourteen years since the adoption of the plan. Another member has served nine of the twenty years, another eight, and the junior member has served the city six years.

Lynchburg

Lynchburg, with a population of 30,070 in 1920, is a distributing center for central-western Virginia, and the home of the large Craddock-Terry shoe factories—a mixed agricultural and manufacturing community. It has had managers since September, 1920. E. A. Beck, the first, worked hard for five years and remade the city, building new streets, fixing up the parks, handling finances and putting the city on a business basis. His salary was $12,000 when he died "in the harness" in 1925. They named a bridge after him, as a memorial. He was spoken of repeatedly as one who gave his life in public service.

The present manager, R. W. B. Hart, succeeded Beck in 1926 and has been there since. I talked with him. He is an active man, full of ideas on city government, and creates a favorable opinion of his businesslike methods. Nearly everybody I interviewed

was for the manager plan. I found one who was opposed to it—a lawyer—but when I pressed him for definite reasons, he only said: "It is true that the plan has worked well here. As to getting things done promptly, it has accomplished wonders. A good nonpartisan council has employed an able manager. But I do not believe in the theory of the small council which leads to control by a few, nor do I like the method of the city's doing its own street work, which is the way this Virginia city does."

Portsmouth

Just across the river from Norfolk lies Portsmouth, where the big government shipyard is located. Its population in 1920 was 54,387; it is primarily a port and a manufacturing city. It has had several managers since it began to operate under this form of charter in January, 1917. There was no such care given to the selection of a competent manager as in Norfolk or Petersburg or Lynchburg, and I was told that the first two managers, both engineers from outside the city, failed to command public confidence. General Jervie, a military engineer, the third manager, remained for five years, and was succeeded in 1926 by Frank C. Hanrahan, who is manager at this time. A well-informed citizen stated that there has been a fair degree of satisfaction with the managers, but that there was no such strong or unified public sentiment developed before the new charter was adopted as there was in Dayton or Springfield or Cincinnati. "The greatest need here," he said, "is a positive and thoughtful and well-informed public opinion. All the new charter does is to give us a chance to have satisfactory government, if we want it."

Other Virginia Cities

Alexandria, Charlottesville, and Fredericksburg were among the other cities in which inquiries were made but not thoroughly enough to make possible a real comparison of new conditions with the old. In all three the general opinion was that government under the managers have been much more economical and effective than formerly. The Virginia cities proved to be so thoroughly favorable to the appointive-executive idea that the latter part of the trip proved to be rather monotonous, because of the sameness of the replies received. They varied mainly in the degree of improvement reported.

BUDGET-MAKING IN SEVEN CITIES

BY MABEL L. WALKER

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The author has made personal observation of budget practice in seven of our largest cities. :: :: :: :: :: :: :: ::

PROBABLY few city governments have attained the lily-white stage, but at least the old stench, which inspired Bryce's famous dictum, has largely disappeared, and the Gold Dust twins that are particularly responsible for the modern approach to cleanliness are devices that have been borrowed from the business world—the budget and the audit. With these two safeguards functioning properly, the bulk of dishonest practises becomes extinct. But the budget is something more than a mere contrivance to check dishonesty on the part of public officials. Through it governmental functions are more carefully balanced one against the other than under the old, and not altogether passé, method of logrolling. When properly carried out, the budget becomes a means for making government, at the same time, more intelligent and more intelligible.

Who wields this powerful tool of municipal government? The answer depends upon the individual city. Budget procedure in actual practise is far from being standardized. In one place the potency of the budget as an executive tool is tremendous; in another it is frittered away.

Seven cities—Chicago, Milwaukee, Detroit, Cleveland, Buffalo, Philadelphia and Baltimore—were visited in an attempt to get some first-hand data on actual budget-making procedure. The present article is intended to give some idea of the extent to which two types of limitation, that is, external governmental restrictions and overlapping authority within the government, are found in these cities.

The following sketch is not intended to indicate the desirability of any particular division of power over the budget as exemplified by the cities discussed. Quality of government and the spirit of the community vary considerably from city to city. The best method of budget-making procedure for any one of these cities is not necessarily the best for any of the others. That such an extreme example of decentralization as that which exists in Chicago will always be attended by grave difficulties seems obvious, but the exact extent to which legislative control should go or the degree to which county complications should be permitted, as well as the shading of power between the executive and legislative departments within the city, are questions which will probably always need to be considered with respect to the particular municipality.

CHICAGO

To an outsider the financial structure of the Chicago government appears very complicated. First, there is the county, which comprises an area approximately four times as large as that of the city. The assessment and collection of taxes are functions of the county. The school district grew out of the township system and its rate of

levy is fixed by the legislature. When created the park districts were without the corporate limits of the city. The sanitary district came into being because the debt limit fixed by the legislature did not allow for sufficient outlays to meet the sanitary needs of the city. In all there are approximately thirty local governments functioning in Chicago.

Of the functions left to the custody of the city government, some receive support from particular funds: for example, street repairs from the vehicle tax, and water supply from water rents. Not even all of the policemen are under the control of the city. One can stand at the intersection of Washington Street and Michigan Boulevard and watch the policemen of the city protecting lives and property on the former while the police of the South Park Board, dressed in different uniform, do likewise on the Boulevard.

The city government cannot determine its basis of assessment, it cannot fix its tax rate, and only within limits can it distribute its appropriations.

The Chicago budget is legislative rather than executive. Departmental estimates, i.e., estimates for those departments which are under the control of the city government, are submitted to the comptroller in September. He may cut and revise them as he sees fit. He is then required to submit these estimates, as revised by him, to the finance committee of the city council before December 1. The finance committee then proceeds to make up its estimates. Shortly after January 1 these estimates are submitted to the mayor. He is allowed ten days for consideration of the budget and may recommend either increases or decreases to the finance committee. His recommendations are usually, but not always, followed.

MILWAUKEE

In Milwaukee responsibility for the budget is divided between the mayor, the board of estimates, and the common council subject to certain state and county restrictions. The state has placed a limit of nine and five-tenths mills per dollar of total assessed valuation on the levy for educational purposes; and of course certain fixed charges must be met. For other purposes the general city limit cannot exceed ten mills. Expenditures, other than fixed charges, thus cannot exceed nineteen and five-tenths mills on the dollar. But to this amount must be added sinking fund and interest charges. However, certain functions—charities, for example—are maintained by the county instead of the city.

The common council is legally responsible for the budget. Departmental estimates are submitted to the comptroller who lays them before the board of estimates, composed of the mayor, president of the city council, comptroller, treasurer, city attorney, commissioner of public works, and the members of the finance committee of the council. The finance committee consists of five aldermen. As a matter of fact the bulk of the budget-making is done by a small inner group, composed of the mayor, the commissioner of public works and the chairman of the finance committee. Questions of policy are determined by the board. All board meetings are by law open to the public and it is required that at least one public hearing be granted before the budget is submitted to the council. The council must also hold at least one public hearing.

The council may make such changes in the budget as it sees fit. The mayor then has the power to veto any of the items, but the council may, if it wishes to do so, pass such item over the

mayor's veto. The school board and the local board of industrial education make up their own budgets which are not subject to revision either by the board of estimates or the council. Forty per cent of the total budget is thus removed from the control of the city government. Milwaukee, though much less handicapped than Chicago, is still far from having centralized budget control.

DETROIT

Detroit has an entire bureau devoted to the business of auditing and budget-making. The staff comprises a budget director, assistant budget director, examining engineer, statistician, fourteen accountants, and three stenographers. A member of the budget bureau is assigned to each department of the city government to work in connection with that department the year round. Budget distribution is not determined pro rata, but by an analysis of past expenditures and improvements during the year. Comparison is also made with other cities.

The fiscal year in Detroit is from July 1 to June 30. On January 1 blank forms for budget estimates are sent to the department heads by the budget bureau. These are returned about the fifteenth of January. Comparative figures for previous years are supplied by the bureau and the whole is printed in a book of monumental proportions. A sufficient number of blank columns are left to take care of the numerous revisions the budget will receive. When the process has been finally completed it is thus possible to see at a glance what modifications the original request has suffered at the hands of each successive official. First the budget is analyzed and recommendations made by the budget director. It then goes to the mayor. At this time he may make any changes he desires. The mayor transmits the revised budget to the common council who sit as a committee of the whole and may increase or decrease any item. On the third Tuesday in April the budget returns to the mayor who may veto any item but cannot make any increases. When the budget is again returned to the council any item of which the mayor has disapproved may be passed over his veto.

Detroit has much more freedom in determining expenditures than either of the two cities previously discussed. No departmental appropriations are fixed nor are tax levies determined by the legislature, although two per cent of the assessed valuation of the city is set as a limit for current expenses and debt services combined. The school budget is subject to revision by the budget-makers, although schools are permitted to make their own purchases and "are supreme within their budget."

CLEVELAND

Cleveland has constitutional home rule, but it does not apply to taxes and debts. The city is allowed a rate of fifteen mills (until 1927 it was ten mills) on the assessed valuation, but in some mysterious way this can be increased to twenty-five mills, and this is where it usually hovers. Schools and libraries are included within this limit, but the city officials have no authority over them and their expenses do not appear in the published budget of the city government.

The division of accounts sets the Cleveland budget procedure in motion by sending out estimate forms to department heads about the middle of September. They are returned a month later and are assembled and compiled by the division for the consideration of the manager. Meanwhile the director of finance sends the manager a statement setting forth the "total

probable income of the city from taxes for the period covered by the estimate" plus an itemization of all other anticipated revenues. He also states the amount that will be needed for interest, sinking fund, and other fixed charges.

The manager presents his estimate to the council in December. It is supposed to be passed by January 1 (the beginning of the fiscal year) but this does not always happen. When the budget is not completed by January 1 the council may, upon recommendation of the city manager, vote preliminary appropriations to be charged against the budget allotments of the various departments. The council has power to change any items in the budget but cannot increase the total unless there are indications that receipts will be heavier than earlier estimates indicated. Public hearings must be held on the budget as presented to the council by the manager. The council is legally responsible for the budget. The division of accounts and the manager make it.

BUFFALO

A newly-fledged budget division, scarcely a year old, is functioning in Buffalo. Estimate forms are sent out about the first of January by this division. The department heads are allowed one month in which to make up their estimates for the coming year. At the end of that time they must be returned to the budget division. There they are compiled and submitted to the mayor. The division has power to correct and revise the estimates before they go to the mayor. The mayor may make any changes he sees fit. The budget is then passed on to the council who may likewise change it. It is returned to the mayor who has power to veto any item. The council may, and at times does, override his veto.

In addition to this division of responsibility within the city there are certain external restrictions on budget-making. Only the total of the school budget is subject to revision by the budget-makers. The schools make their own purchases and control their own payrolls. Five-hundredths of one per cent of the total assessed valuation goes to libraries. Some fines go to the police fund. Otherwise, all revenues go to the general fund and all appropriations are made from it.

PHILADELPHIA

Budget-making in Philadelphia is a very decentralized affair. It's easy to pass the buck and everybody concerned can offer an alibi. The city and county are coterminous, but they are not one and the same. The departments of public safety, public works, health, welfare, supplies, wharves, docks and ferries, city transit, law, city architect, library and museums are under the control of the mayor and are known as city departments. He has no control over the so-called "county departments," such as the city controller, commissioners of sinking funds, city treasurer, etc. The schools belong to neither city nor county. Pennsylvania law divides the state into school districts which are independent taxing bodies, comparable to municipalities. Moreover, there are certain poor districts, concerning which there is much vagueness, which are also possessed of separate taxing powers. They are hangovers from the past and as their rates are petty they do not figure conspicuously in the city government.

But this isn't the full story of scattered responsibility in budget-making, for there is no unified control over even such a remnant of the city budget as is left. The controller is required by law to furnish the mayor with an estimate of receipts and liabilities for the coming year with a statement of the borrowing

capacity of the city, which the mayor transmits to the council. The council is legally bound to accept these estimates.

Meanwhile, all department heads, excepting the schools, are required to submit estimates for the coming year to the budget clerk, an appointee of the mayor. The mayor revises the estimates coming from the departments under his control, but has no power to revise the so-called county estimates. The budget goes to the council in two parts, one labeled "Departments under the Mayor," and the other, "Departments not under the Mayor." The council has full power to revise all of the items, but the appropriations ordinance must be signed by the mayor.

BALTIMORE

Budget-making procedure in Baltimore is simple and responsibility is more clearly defined. All department heads are required to submit estimates for the needs of the coming year to the budget clerk, who is also the director of the bureau of disbursements. This position comes under the civil service and the present incumbent has held office for eleven years. He checks over the items to see that they are in proper form, but does not otherwise revise them. A budget committee, consisting of the budget clerk and the chief engineer, then revises these estimates in accordance with administration policies. When they have completed their task of revising the estimates according to the desires of the mayor, the proposed budget is submitted to the board of estimates by the mayor.

The board consists of five members, two of whom are appointees of the mayor, the chief engineer and the solicitor, and three of whom are elected officials, the mayor, the president of the council and the comptroller. Of the five votes, the mayor controls three. Legally, the board is responsible for the budget. Actually, the mayor has the ultimate control. Budget meetings are held in executive session although public hearings are granted when desired. The council has no power to increase any budget item. It has power to decrease the budget, but as it has never exercised this power, nor is it likely to do so, its relation to the budget is perfunctory.

SUMMARY

Summarizing the above, in four of the cities, Milwaukee, Detroit, Cleveland and Buffalo, the preponderance of budget responsibility seems to be with the executive. It is rather difficult to locate the scattered remains of budget responsibility in Chicago, but it seems to be with the council. This body is undeniably more powerful in Philadelphia. Baltimore has an outstanding executive budget.

One of the most drastic forms of state participation in budget-making is found in limitations upon the tax levy. Detroit, Chicago, Milwaukee and Cleveland are confronted by restrictions of this type.

Functional appropriations wholly or partially removed from the control of the city may be found in every one of the seven cities. This may happen in any one of several different ways. There may be independent taxing bodies such as the schools and poor districts of Philadelphia or the thirty-one different governments of Chicago. Certain functions may receive a stipulated proportion of the total assessed valuation, as in the case of the Detroit street-opening and zoölogical park taxes, and the Cleveland school and library taxes. Or a fixed amount may be designated for particular enterprises as exemplified by some of the Buffalo funds. Another form of state interference in functional appropriations is illustrated

by the Baltimore police appropriations. Some years ago the police department was made accountable to the state. Its annual reports are now made to the governor and although its financial support comes from the city budget it may and at times does appeal to the legislature for an increase of funds. If approved by the legislature, the city government must grant the increase.

In addition to the above restrictions on budget distribution, the practise still remains of tying up certain revenues to particular functions, often in no way related. The most glaring example of this procedure is to be found in Baltimore. Many years ago when the first street-car franchise was granted, it was done with the stipulation that a certain proportion of the gross proceeds was to be turned over to the city and to be used for park maintenance, and in this manner the parks have been maintained from that day to this. If street-car receipts fall off the parks funds do likewise, and vice versa. In Detroit, court fines go to the library fund and proceeds from dog licenses to police pensions. In Buffalo revenue from fines is assigned to the police pension fund. More logical are the provisions that vehicle taxes be used for highway maintenance in Cleveland and Chicago. In several of the cities revenues from the water department are used for the support of that department.

County entanglements add to the complexity of the situation. Baltimore is not in a county and so escapes this complication altogether. The area of Philadelphia is coterminous with that of the county. Approximately half of the city departments are assigned to the county. Both the city and county departments are under the council, but only the former are under the jurisdiction of the mayor. The other cities are located in counties covering much more area than themselves. The line of demarcation between city and county responsibilities is not uniform. Milwaukee has its charitable work performed by the county. In some of the cities the assessment and collection of taxes are county rather than city functions.

A PROPOSED PLAN OF ADMINISTRATIVE REORGANIZATION FOR OKLAHOMA

BY GEORGE W. SPICER

University of Virginia

A reorganization of the state government is proposed which professes to express short ballot ideas, but which neglects certain underlying principles. :: :: :: :: :: :: :: :: ::

THE purpose of this article is to give a general critical analysis of a proposed program of administrative reorganization for Oklahoma, prepared by Ben F. Harrison, budget officer, and submitted to the governor of Oklahoma. Mr. Harrison shows the need for administrative reorganization, and proposes a plan which he believes will remedy the numerous defects in the present complicated and disorganized administrative system of the state.

PRESENT ADMINISTRATIVE ORGANIZATION

This study revealed conditions not unlike those in other states that have failed to reconstruct their administrative machinery. In the present state government more than one hundred separate agencies have been provided to carry out the administrative functions of the state. Within this multiplicity of agencies there is a complete lack of coördination of those performing similar functions. There is also a wide division and dissipation of responsibility, as illustrated by the fact that nineteen of the state administrative officials are popularly elected, and responsible to no other official. Great confusion and lack of plan are further revealed in the form of agency provided for the various administrative functions, and in the method of selection, tenure and compensation of the administrative personnel. Pressure of space does not permit a discussion of these matters.

PROPOSED PLAN OF REORGANIZATION

The proposed plan of administrative reorganization was formulated with two main objectives in mind: first, the logical grouping of related governmental activities into several major departments, and second, the simplification of the ballot by the reduction of the excessive number of elected officials.

It is by no means certain, however, that the scheme of reorganization proposed will accomplish the results usually claimed for administrative consolidation. There are a number of features of the proposed plan that are at variance with, if not contrary to, recognized standards of state administrative reorganization and consolidation evolved from the experience of the past decade or more. It may be of some interest to give these points brief consideration.

DEPARTMENTS "HEADED" BY BOARDS

In the first place the plan of departmentalization, having as one of its avowed objects the establishment of definite and fixed lines of responsibility in the performance of all administrative tasks, is, for the most part, calculated to destroy responsibility. Of the twelve proposed departments, all but two, the executive department, headed

by the governor, and the department of law, headed by the attorney-general, are "headed" by boards or commissions numbering from three to seven members.

In the case of the proposed department of education, not only is there no single administrative head, but the department is divided into three divisions each of which is, from the administrative point of view, separate and distinct from the other. First, the board of education composed of five members would administer the common and secondary schools; second, a board of regents composed of seven members would deal with higher education of an academic type; and third, the agricultural and technical institutions would be placed under a board of regents for agricultural education. Thus it is seen that in the case of education virtually three departments are set up, neither of which is headed by a single director.

Again, the department of taxation and finance would be composed of three commissioners, each heading a division or a series of divisions; and a division of administration and finance made up of the budget officer, the examiner and inspector, and a newly created purchasing agent. Here again, there is proposed what amounts to a multiple department with no single, responsible director. Similar recommendations are made for most of the other proposed departments.

This plan of departmentalization is surprising when considered in connection with the emphatic assertion of the report that a government, to be effective, "must be organized in such a manner that the people may fix responsibility for the success and failure of their public servants." (See page 8 of the report.)

Experience seems to have demonstrated that boards in a purely administrative capacity are inefficient. The division of powers between the various members of a board frequently means a lack of initiative and the absence of responsibility. Instead of definite lines of responsibility, there is a wide division and dissipation of responsibility.

This board system is, furthermore, not calculated to promote the avowed desire of the report to remove the administration from politics. It gives the governor more important favors to distribute among his friends, and increases his temptation to use his appointing power for personal and political motives, since in this case responsibility is more difficult to exact.

SHORT BALLOT PROPOSAL

Certain features of the short ballot proposal are likewise not calculated to achieve the avowed objectives. The proposed plan, in the interest of more efficient and more responsive government, provides for "a heroic reduction of the excessive number of elective officials," but leaves the two offices of state auditor and state treasurer on the elective list. In the proposed plan of departmentalization these two offices are placed in the department of taxation and finance, the former in charge of public claims and warrants, and the latter in charge of the division of deposits and disbursements. It is admitted by the author of the report that these are "essentially professional or technical offices," and that the people may have only the slightest knowledge of their nature, but that since they "deal with matters which the people feel are of very vital interest to their welfare," they should be elected by the people.

With the above exceptions the proposed program seems to be in keeping with the objects sought. To carry such a program into effect will require not only extensive statutory changes, but the constitution of Oklahoma will

have to be materially amended. This is especially true with regard to the short ballot proposal, since the constitution in a number of instances specifically provides that the offices to be affected shall be filled by popular election. As yet nothing has been done about this program of reorganization; it has never been formally before the legislature.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC.,

Required by the Act of Congress of August 24, 1912,

Of NATIONAL MUNICIPAL REVIEW, published monthly at Concord, New Hampshire, for April 1, 1930.

State of New York, County of New York, SS.

Before me, a notary public, in and for the State and county aforesaid, personally appeared H. W. Dodds, who, having been duly sworn according to law, deposes and says that he is the editor of the National Municipal Review and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 411, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:
Publisher, National Municipal League, 261 Broadway, New York, N. Y.
Editor, H. W. Dodds, 261 Broadway, New York, N. Y.
Managing Editor, None.
Business Managers, None.

2. That the owner is: The National Municipal Review is published by the National Municipal League, a voluntary association, incorporated in 1923. The officers of the National Municipal League are: Richard S. Childs, President; Carl H. Pforzheimer, Treasurer; Russell Forbes, Secretary.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

H. W. DODDS,
Editor.

Sworn to and subscribed before me this 27th day of March, 1930.

Mary Donovan,
Notary Public.

[seal] (My commission expires March 30, 1931.)

RECENT BOOKS REVIEWED

How Great Cities Are Fed. By W. P. Hedden. New York: D. C. Heath, 1930. 302 pp.

This book deals with a very important problem in social research. The feeding of the city is a matter on which we have always needed but always lacked dependable quantitative information. Hedden has made a very good beginning, outlining as he does the general process of getting, for instance, a half-million carloads of food into New York City each year. This enables him to discuss milk sheds and food sheds, the place of refrigeration, and the long haul of perishables, terminal problems, middlemen, costs and profits, and the problem of waste. In most cities the procuring and distribution of food has heretofore gone on pretty much under the direction of *laissez faire*. Public control is gradually getting the upper hand, though we must admit that in spite of minor shortcomings, *laissez faire* has not done a bad job. It is not unlikely that in the future, in spite of the best state and municipal control, *laissez faire* will still rule behind the scenes.

Feeding the city becomes more complicated yearly, so much so that merely growing the foodstuffs is now but a fifth or a fourth of the task of actually getting it to the urbanite. The city wants variety, and all the year through. Meeting these demands in season and out tends to knit the whole world into a single producing, transporting and consuming entity. It operates with the precision of a machine—the producers, middlemen, inspectors, transporters and retailers acting as tenders along the route. The process itself has become as much a habit as the great variety of eating habits that it satisfies from day to day.

Hedden's method is quantitative throughout. Most of his data are from New York, but that is only because data from other cities are not available. What would be very valuable now would be to supplement this book with a study of the actual distribution of the city's food. Who eats it? What goes to restaurants and what to homes? Information like this would add much to our knowledge of urban family life.

Nels Anderson.

Columbia University.

The City of Tomorrow. By Le Corbusier. (Translated by Frederick Etchells.) New York: Payson and Clarke, Ltd., 1929. 302 pp.

This is an imposing work filled with controversial statements, many in conflict with each other, and as many wholly out of harmony with the spirit of what we might think the city of tomorrow should be.

A master architect, a leader of a special school of planning, a skilled polemic, and a craftsman of no mean ability as a builder of catchy phrases and plausible aphorisms—Le Corbusier has written a book that should be read. If he were as right as he is plausible, his book would be epoch-making; for we would merely have to follow the rules and principles laid down by the author to solve all our problems and create "The City of Tomorrow."

The present reviewer is unaware of any work wherein so much is made of geometry as a basis for planning design. By skillful roundabout methods the author endeavors to uphold the straight line as the only true norm for good community planning.

As I read and reread this work I was constantly forced to ask if the mechanistic theory of the city as "a machine for working in" is not rather at variance with our hope that we might build cities which would be primarily places worth living in. The geometric theory which leads to the super-regimentation of human beings in huge structures does not seem to harmonize with the statement in the foreword which demands that the town should be "a source of poetry," unless it is expected that sheer size will function as the goddess of inspiration.

To assume that "the human animal is like the bee, a constructor of geometrical cells" and then to show that this is exactly where man has failed, since he has not constructed in geometrical forms, is merely to prove that the first contention is wrong and that human beings are not the bee-type of builders.

In the chapter called "Sensibility Comes into Play," Le Corbusier tries to prove that the straight line is the line of civilization. His method of proving it is by a series of interesting and arresting reiterations. To be sure, this

chapter is filled with grand and quotable phrases that any city planner might use for some given purpose, but when the last lines are read you feel that the author has performed a great feat in fine tracery without following the orthogonal method in thinking which he advocates for city building.

In speaking of housing Le Corbusier proposes that homes can achieve the needed harmony with their surroundings and modern needs only by the elimination of details and by mass production in order to achieve an architectural symphony. Here it seems that the assumption of a need for mass production is based upon mass housing and the close proximity of large multiple-dwelling structures which great tenement cities demand. We have no quarrel with the idea that whole streets may be planned as units, but we very much doubt if such planning should be founded upon standard units, suitable and prompted by the common—shall we say lowest common denominator—of public taste.

In one place the book speaks of the New York skyscraper as the inevitable means of solving our problem, and in the next page we are asked to plant trees in the midst of our labors. One might ask how in the name of heaven we could find any reasonable proportion in the relation between huge skyscrapers and the usual street tree that we have available for adorning our streets. Indeed we might ask if this super-regimentation of housing, architectural design and mass production will leave the city enough soul to find room for such sentimentality as mere trees.

One cannot help regretting that Le Corbusier did not think of the last sentences in the book first. "Things are not revolutionized by making revolutions. The real revolution is in the solution of existing problems." To accept congestion as a real need and to proceed to rebuild without reconstructing the idea of the city is not revolution but devolution. What is needed is not a new way of accepting false methods of human community building, but a new philosophy of community building which is based, not upon geometry and orthogonal supremacy, but upon the more intricate and diversified needs and aspirations of the human soul.

I am aware that many of Le Corbusier's admirers will not agree with this review. They will claim, and with justification, that the book is filled with suggestions and ideas for the solution of our present city-planning problems, and with this I am in hearty accord. The real issue is whether the solutions he presents are not merely radical palliatives intended to meet a serious problem of modern urbanism, or whether we need a new concept of the modern city.

Let the reader not assume that there is nothing of value in this work. I would urge every one interested in city planning, either professionally or as a citizen, to read it.

CAROL ARONOVICI.

Los Angeles.

THE GOVERNMENT AND ADMINISTRATION OF THE DISTRICT OF COLUMBIA: SUGGESTIONS FOR CHANGE. By Laurence F. Schmeckebeier and W. F. Willoughby. Washington: The Brookings Institution, 1929. xi, 187 pp.

TOWN GOVERNMENT IN MASSACHUSETTS (1620–1930). By John Fairfield Sly. Cambridge: Harvard University Press, 1930. viii, 244 pp.

These two books deal with local government in very different types of communities. The one deals with an urban region of over half a million population which is the capital of the nation, where, in addition to the usual functions of municipal government, there are activities controlled elsewhere by state governments and special problems as to relations with the national government. The other deals with towns in a New England state ranging from rural areas of a hundred population to urban and suburban communities of nearly 50,000. Yet, along with many points of difference, there are some common features in the topics discussed.

The study on the District of Columbia follows a detailed descriptive volume published in 1928 by the Institute for Government Research, and presents a series of important changes proposed in the administrative arrangements and methods. These deal on the one hand with a readjustment of the relations between the district and the national government, and on the other with a reorganization of the machinery of district government. In the first group are proposals to relieve the general agencies of the national government of functions relating to the local affairs of the district. In the second group are proposals for a legislative council, a more centralized administration under a manager and a reorganization of departments, especially those dealing with finance, education, law enforcement and judicial administration. These latter for the most part follow the general trend of administrative changes in city and state governments in

recent years. One chapter discusses the reform of the system of taxation. The most novel proposal is that for a legislative council, to consist of five members, appointed by the president and senate, and the chairmen of the senate and house committees on the District of Columbia.

About half of Mr. Sly's study of Massachusetts town government is devoted to the earlier history, with chapters on Settlement, Institutional Beginnings, a Critique of Town Origins, and the Town of the Eighteenth Century. The later chapters deal with the social changes of the last century, town-meeting government today, recent experiments with limited town meetings and administrative improvements, including the town-manager plan, and general conclusions. The emphasis is laid on the town-meeting system, and the main conclusion is that no simple formula or political machinery will solve the problem of satisfactory government. Those interested in the specific problems of governmental activity will miss any adequate consideration of the present-day functions of the towns or of the significant development of state supervision, especially in the field of finance.

JOHN A. FAIRLIE.

University of Illinois.

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THE TAX SITUATION IN ILLINOIS. By Herbert D. Simpson, Ph.D. (Published by the Institute for Research in Land Economics and Public Utilities, Northwestern University, Chicago, Illinois.) 1929. 104 pp.

This monograph presents the results of a survey of the operation of the general administrative organization for the assessment of property in the state of Illinois. At the present time the state and local governments of Illinois derive about 84 per cent of their tax revenues from the general property tax. This study concentrates upon the assessment of real estate. The first half presents the facts for Chicago and the state outside of Chicago by subjecting the results of the existing tax system to statistical test and mathematical measurement; the second half presents results that are not susceptible of statistical measurement, outlines the causes that favor the growth of present conditions, and suggests the general direction in which relief seems to lie.

Professor Simpson discloses a startling state of affairs in the assessment of real estate in Illinois. While a knowledge of individual cases invariably leads us to believe that there is gross injustice in tax administration, it is only by the analysis of a large number of representative cases that we can discover actual results and the concealed effects. Professor Simpson's method in the main is to compare actual assessments of parcels of property with the actual sales value. His Chicago study shows that assessments in 1923 range from 1 per cent to more than 100 per cent of sales value, and with no real concentration of properties in any percentage group; that from 1923 to 1927 the average percentage deviation from the level of uniformity ranged from 40 per cent to 37.7 per cent; that there was a marked discrimination in favor of vacant land as against improved land, vacant land showing an average assessment of 19.7 per cent of sales value and improved land an average assessment of 32.4 per cent.

The facts on the situation outside of Chicago are equally startling. Here the average percentage deviation from the level of uniformity, which furnishes a good test of the equality or inequality of the system, was 33.6 per cent for 1926 and 34.1 per cent for 1927. This study of the transfers of property also showed that the inequalities favored the cities at the expense of the smaller villages and the farms. The study of properties classified according to values exhibited actually regressive taxation to an unusual degree.

The distinctive merit of the study is its presentation of the facts. The bars and charts which analyze and illustrate the tabulations are an excellent feature of the monograph. By applying the methods of statistical science to an actual situation Professor Simpson has given us one of the best case studies on the administration of the general property tax yet produced.

MARTIN L. FAUST.

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THE TAXATION OF INTANGIBLES IN KENTUCKY. By Simeon E. Leland, Ph.D. (Bulletin of The Bureau of Business Research, College of Commerce, University of Kentucky.) Lexington, Kentucky, 1929. 50 pp.

Prior to 1918, intangible property was taxed in Kentucky under the general property tax, but since that date intangibles have been reached through the medium of special low-rate taxes. This study considers, first, the taxation of intangibles under the general property tax, and

second, the taxation of intangibles under the system of special low rate taxes.

Professor Leland found the old system seriously defective. It operated unjustly as to the owners of intangibles; the assessments were faulty; the tax did not yield revenue. "From every angle the general property tax failed adequately to tax the intangible property."

In 1917 Kentucky adopted the following measures for the taxation of intangibles: (1) a four-mill tax on intangibles; (2) a one-mill tax on bank deposits and building and loan association shares; and (3) a mortgage-recording tax. Other special taxes adopted at that time are not considered in the author's survey.

Professor Leland's very adequate summary of the results achieved will undoubtedly be of special interest to the reader. He concludes as follows:

The Kentucky experiment in taxing intangibles at a low rate has on the whole been successful. Two methods have been employed in reaching this property. A rate of four (now five) mills has applied to intangibles generally and they have been taxable at the domicile of the owners upon the basis of voluntary declarations by the taxpayers. As a check upon these assessments, corporations doing business in the state have been required to report the holdings and the names of Kentucky stockholders to the state tax commission. That body has classified the returns by counties and has used these data to check cases of the omission of this property from assessment rolls. The assessment of intangibles increased immediately after the adoption of this administrative aid, and in 1926 information was collected covering about one-fifth of the assessed valuation of this property. The low rate *per se* produced a substantial increase in assessed valuations immediately after its adoption, but subsequently the assessments and the revenue from the tax declined. A portion of this decline can properly be attributed to the post-war depression. From the standpoint of revenue-productivity the low-rate tax was somewhat of a disappointment. The yield of this tax did not exceed that under the general property tax until it had been in operation eight years, and even today in some counties the yield is less than was formerly collected under the general property tax for state and local purposes. The yield of the present tax, however, goes to the state alone.

The second type of classification for intangibles is found in the one-mill tax on bank deposits. The tax is assessed directly against the banks on their deposits on a given day and may in turn be deducted from the account of the depositor. Such deductions are in fact seldom made. The tax is very effective in securing the complete assessment of bank deposits, but as a revenue producer the results are somewhat disappointing. The total revenue from this tax did not exceed the total collections of the general property tax on bank deposits until seven years after the adoption of the one mill tax. Nevertheless, the tax should be adjudged a success and is to be considered as one of the most successful applications of the principle of "collection at the source" in the United States.

MARTIN L. FAUST.

MUNICIPAL REPORTS

FORT WORTH, TEXAS. *Report of the Third and Fourth Years of Council-Manager Government. By O. E. Carr, City Manager.* 47 pp.

For attractiveness this report will be difficult to surpass. The artistic design on the front cover is symbolic of the attractiveness of the entire report. It has a contents page, chart of the administrative organization, well selected pictures, and just about all the characteristics of an excellent report. Two pages at the beginning deal with the early history of Fort Worth and the development of the city's government from the time of its incorporation in 1873 to the present council-manager charter adopted in December, 1924. This is followed by three pages of "High Lights from Various Departments," from which one gains a good idea of the progress which is treated in greater detail in the remaining pages. One observes, among the many accomplishments, that centralized purchasing saves the city $50,000 annually, that since 1926 the city has supported by tax levy all welfare work formerly supported by the community chest, and that since the advent of the council-manager plan it has been a fixed policy of the city to appropriate one-tenth of the tax money to permanent improvements.

If a reviewer must be critical, objection can be made to the occasional failure to place the charts with the relevant text, and to the illogical general arrangement of departmental reports. For example, a page on Meacham Field, the airport, looks out of place in the beginning of the report, while another page dealing with the same subject is found between the report of the purchasing department and that of the city secretary-treasurer. Then after a span of ten or twelve pages the city auditor's report appears. It would seem more suitable to place the reports of all officers dealing with the same general function on adjacent pages. It must be frankly admitted, however, that to give adverse criticism of so good a report is not an easy matter.

RHINELANDER, WISCONSIN. *Fourth Annual Report for 1929. By Theodore M. Wardwell, City Manager.* 22 pp.

To a city of 8,000 people this report will serve a very useful purpose. It is brief, being but 22 pages in length, and nearly one-half the space is devoted to pictures illustrating the activities covered in the text. Its completeness is evident from the following topical headings: the council, city manager, city clerk, city treasurer, assessor, auditing, city hall, police, fire, weights and measures, health, public works, water, library, parks and playgrounds, cemetery, public schools, public finance, and a general bond schedule.

If departmental statistics had been more carefully selected and more comparative figures for previous years given, the report would have been more interesting and afforded a more accurate basis for appraising the present year's activities. For example, the police record gives the number of arrests arranged by months. It would have been more informative to have given also a classification of the number of offenses known to the police. The section on public finance seems a bit heavy. This should have been broken up more by a few clear charts to make it more easily understood. All in all, however, it is a very creditable report.

CLARENCE E. RIDLEY.

REPORTS AND PAMPHLETS RECEIVED

EDITED BY WELLES A. GRAY

Assistant Director, Municipal Administration Service

A Standard Code for Traffic Control Signal Installation and Operation, 1929.—By Miller McClintock and Maxwell Halsey, Boston, September, 1929. 75 pp. This is a set of rules and regulations laid down by the Massachusetts Department of Public Works for regulating traffic control signals. The state legislature gave the department complete control over all traffic signals erected in the commonwealth. It is the purpose of this bulletin to inform city and town officials of the underlying principles involved in the successful operation of traffic control signals, and to set forth the uniform standards and practices which the department requires before approving any signalling devices installed by municipalities. Signals in use in Massachusetts, the report of the American Engineering Council Committee on Street Traffic Signs, Signals and Markings, and traffic engineers' proposals were the bases for this uniform code. Wherever possible, present practices are incorporated. The code itself is presented in an unusually clear fashion, for after practically every section there is an explanatory note giving the reasons for the section and showing clearly how it will operate. Copious figures and diagrams clarify it still further. It lays down rules as to the minimum traffic conditions which require control by signal, and standards of design, installation and operation. There is a separate section on auxiliary signs. (Apply to the Department of Public Works, State House, Boston, Mass.)

Proceedings of the National Tax Association, 1929.—By National Tax Association, Columbia, S. C., 1920. 557 pp. Among the topics covered by these proceedings are the New York State tax system from the viewpoint of the investigator, the taxpayer, and the administrator; the Pittsburgh graded tax; and the tax burden of the farmer. (Apply to National Tax Association, 195 Broadway, New York.)

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Real Estate Problems.—*Annals* of the American Academy of Political and Social Science, vol. CXLVIII, no. 237, March, 1930. 316 pp. This issue of the *Annals* is devoted to some of the complex economic and social problems which arise from the exploitation and use of land. It is divided into three parts, the first dealing with general problems; the second, with problems incidental to urban real estate; and the third, with rural real estate problems. Classification of real estate, appraisal and valuation, the unearned increment, the influence of public improvements, the Pittsburgh graded tax and other tax problems, going value, and farm real estate values and farm income are among the topics discussed. (Apply to the American Academy of Political and Social Science, 3622 Locust St., Philadelphia.)

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1930 Supplement to the Directory of the Libraries of Philadelphia and Vicinity.—By the Special Libraries Council of Philadelphia and Vicinity. January, 1930. 4 pp. With this

1930 supplement, the *Directory*, originally published in 1926, is brought up to date, and it now lists 238 public, institutional and private libraries in Philadelphia, together with their resources. (Apply to Helen M. Rankin, Free Library of Philadelphia, Logan Square, Philadelphia.)

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The Classification of Property for Taxation.—Compiled by E. R. Rankin. University of North Carolina, Chapel Hill, October, 1929. 93 pp. This publication was designed for use as a handbook by debaters arguing the question of the advisability of an amendment to the North Carolina constitution to authorize the taxation of intangible property. General references, and references both pro and con are included. A bibliography lists 89 further references on this subject. (Apply to the University Extension Division, Chapel Hill, N. C.)

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Taxation of Intangibles.—By C. W. Lewis, Columbus, Ohio, Chamber of Commerce. *Research Bulletin*, February, 1930. 4 pp. This bulletin is particularly pertinent in view of the present revival of interest in the taxation of intangibles in several states. The various kinds of such taxes are analyzed and discussed, and four tables summarize the provisions of the different state laws on the taxation of intangible personal property, the taxation of selected groups of tangible personal property, mortgage registry taxes, and bank deposit taxes. (Apply to Ohio Chamber of Commerce, Huntington Bank Building, Columbus, Ohio.)

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Report of the Joint Legislative Revenue Committee of Illinois.—Peoria, March, 1929. 135 pp. This report gives the results of an investigation made during 1929, by a joint committee of the Illinois legislature, into taxation and the assessment of real and personal property in that state. Particular attention is devoted to methods of assessment and appraisal, and it is recommended that a tax on intangibles be authorized. (Apply to Illinois Legislative Reference Bureau, Springfield, Ill.)

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Apartment Vacancy Survey.—By Rufus S. Lusk. Washington, Bureau of Standards, November, 1929. 40 pp. (Mimeographed.) Here is a study of the apartment-house situation in Washington. Apartment houses are classified according to age, construction, location, management, services rendered, and rentals. Vacancies in these properties are then analyzed with these factors in mind. (Apply to Division of Building and Housing, Bureau of Standards, Washington, D. C.)

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Tabulation of City Planning Commissions in the United States.—By the Bureau of Standards, Washington, D. C., December, 1929. 34 pp. (Mimeographed.) This monograph lists, classifies and analyzes the work and organization of American city planning commissions. (Apply to the Division of Building and Housing, Bureau of Standards, Washington, D. C.)

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Program for Extension of Parks and Parkways in the Metropolitan Region, 1930.—By the Metropolitan Conference on Parks. New York, 1930. 20 pp. Here is a program for extending parks and parkways in the New York metropolitan region. The park problems of the five boroughs of New York City, and of the near-by regions in Westchester County and the Hudson River Palisades are discussed. There are 22 recommendations for parks and parkway extensions to be constructed at a cost of approximately $20,000,000. (Apply to Metropolitan Conference on Parks, Arsenal, Central Park, New York.)

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California State Park Survey.—By Frederick Law Olmsted. Sacramento, 1929. 71 pp. California is peculiarly rich in park resources, and in this survey are presented the various scenic and recreational resources of the state, together with the importance of conserving and utilizing them, not only by means of state parks, but in other ways. Desert, mountain country, forest and wooded lands, seacoast and lake properties, and spots of historic interest, including old mining towns, are fully discussed with relation to present and future park needs of the state. (Apply to California State Park Commission, Sacramento, Calif.)

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City Plan and Twenty-Year Program of Public Improvements for New Rochelle, N. Y.—By the New Rochelle Planning Board, New York, 1929. 116 pp. This report was prepared with the assistance of the Technical Advisory Corporation of New York City. It is a thoroughgoing study of the current and future public works construction projects for New Rochelle. These are evaluated in accordance with current needs and forecasts as to probable city development.

(Apply to Technical Advisory Corporation, 15 Park Row, New York City.)

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Wisconsin City Plan Commissions.—By Ford H. MacGregor. Madison, December, 1929. 25 pp. (Mimeographed.) Here is a study of the powers, functions and activities of city planning commissions in Wisconsin. All aspects of the work of these commissions in that state are discussed. It includes also brief discussions of public land commissions, park commissions and the relation of the state director of regional planning to all of these bodies. Four specimen ordinances establishing city planning commissions are included. (Apply to Municipal Information Bureau, University Extension Division, University of Wisconsin, Madison, Wis.)

✻

Modern Paving Methods.—By the Eastern Pavement Corporation. Hackensack, N. J., 1929. 96 pp. Though prepared as an advertising project, this book contains much pertinent information on paving. It should be of equal interest to the technician and the layman. It is primarily a description of "Vibrolithic" pavements and the data on that subject are interesting and valuable. Tables and data on various mixtures of concrete and other pavement formulae are also included. (Apply to Eastern Pavement Corporation, Peoples Trust Building, Hackensack, N. J.)

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Report on the Advisability of Consolidating Tarrytown and North Tarrytown, N. Y., as a City.—By the New York Bureau of Municipal Research, New York, February, 1930. 29 pp. Students of regional government will find this report on the proposed consolidation of two of New York City's suburban communities of particular interest. It discusses and compares the financial situations in the two communities, and the services rendered by each. Possible disturbances of the present equilibrium of the two communities and their services are fully analyzed. In conclusion it is estimated that consolidation would bring about a net financial benefit of $96,947.03, and the procedure to be followed in undertaking such a consolidation is set forth. (Apply to New York Bureau of Municipal Research, 261 Broadway, New York City.)

✻

Council Manager Government in Berkeley, California.—By Helen M. Rocca. Berkeley, 1930. 54 pp. Here is an evaluation of the city manager plan when operating at its best. The report begins with a brief history of the city government of Berkeley. This is followed by a description of the inauguration of the manager plan and a sketch of the departmental organization of the city. The various municipal departments and agencies are then taken up in detail and their work evaluated. (Apply to City Manager's office, City Hall, Berkeley, Calif.)

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Comparative Statistics, Cities of Ohio.—By the Auditor of State, Columbus, 1930, 112 pp. This is the annual compilation of statistics and operating data for cities in Ohio. Included are tables of receipts and expenditures, and bonded debt classified by functions and departments. (Apply to Joseph T. Tracy, Auditor of State, State House, Columbus, O.)

✻

General Property Tax Levies for Cities, 1928; General Property Tax Levies for Villages, 1928.—By Municipal Statistics Department, Wisconsin Tax Commission, Bulletin No. 31, March, 1929, 4 pp. each. These two bulletins contain tabulations of the assessed valuation and tax levies and rates for general property tax for state, county, local and school purposes. (Apply to the State Tax Commission, Madison, Wis.)

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Sixteenth Yearbook of the International City Managers' Association.—Public Management, 1930. 284 pp. This is really the March number of *Public Management*, the official journal of the Association, and it contains, in addition to the usual run of well-chosen articles on various aspects of city management, a résumé of important developments in the field of council-manager government in 1929, a directory of council-manager cities and their managers, and the proceedings of the 1929 convention of the Association. (Apply to National Municipal League, 261 Broadway, New York City, or to the Association, 923 East 60th Street, Chicago.)

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, New York University

Torts—Municipal Liability in Construction and Operation of Airport—Diversion of Surface Water.—Another field of litigation in connection with the recent municipal activity in the construction and operation of airports has materialized in the case of *Mobile* v. *Lartigue* (U. S. Daily, April 1, 1930) decided by the Alabama Court of Appeals on March 25, 1930. The action was brought against the city of Mobile by the owner of land adjacent to its municipal airport for damages on the ground that, although the lands in question were lower than the airport so that the surface water drained naturally from the airport over his ground, the city, in attempting to drain the airport, had caused water to be discharged upon his field in much greater quantities than the natural flow of the water from the dominant to the servient tenement, with the result that a crop growing upon his land was ruined.

Under the well-established rule of law pertaining to surface water rights between dominant and servient tenements, as enunciated and recognized by the Alabama courts, there would seem to be no doubt as to the plaintiff's right to recover for the injury sustained in the instant case if the wrong had been done by a private person, and therefore, the only important question presented in the case was whether the same rule should be applied as against a municipal corporation.

On the part of the city it was contended that in operating the airport it was engaged in the performance of a "governmental function" and hence was not liable in damages for torts, or negligent acts, of its agents or servants. In ruling upon this objection the Alabama Court of Appeals took occasion to review the law of that jurisdiction upon the liability of municipal corporations in tort as based upon a "governmental" as distinguished from a "corporate or ministerial" function, and concluded that the city of Mobile in operating its airport was engaged in a purely corporate capacity and was therefore liable to respond in damages.

The basis of the court's ruling was that an airport is "essentially a part of the city's system of transportation facilities" which bears "a true analogy to a railway station or a bus terminal" and to the case of "work done by a city in connection with the building, repair, and maintenance of its streets (which) is done in a corporate or ministerial capacity, as distinguished from a governmental capacity."

Without questioning the validity of the analogy thus drawn by the court or the correctness of the decision as placed upon such grounds, it may be well to note that the same result could and must have been reached under existing rules of law without the necessity of determining whether the operation of the airport in the instant case was engaged in by the municipality in its governmental or private capacity. In view of the ever increasing state-wide significance of activities formerly conceived of as purely local in character, the distinction between the so-called "governmental" and "private" functions of municipalities has practically outlived its value as a controlling factor in determining liability or immunity for tort. This is manifest not only from the inconsistent results reached on similar facts in the separate states but from the incongruous decisions frequently encountered within a particular jurisdiction. Under these circumstances, the undesirability of invoking this distinction in cases where it is not necessary for a decision, or where the case is controlled by other well-established principles of law, is obvious.

In the case under consideration the wrong complained of amounted to a direct invasion of the property of the plaintiff and, irrespective of the existence of negligence or whether considered as a trespass or a nuisance, liability cannot as a general rule be avoided on the ground that the municipality was exercising a governmental function (see authorities cited in Dillon, Mun. Corp., 5th ed., §1736; 2 Cooley on Torts, 3rd ed., p. 1198; 43 C. J., §§1734, 1737, 1905), and this is the established rule in Alabama (*Troy* v. *Coleman*, 58 Ala. 570; *Eufaula* v. *Simmons*, 86 Ala. 515, 6 So. 47; *Arndt* v. *City of Cullman*, 132 Ala. 540, 31 So. 478).

More conclusive in the instant case, however, would seem to be the constitutional provision of the state of Alabama requiring that municipal corporations shall "make just compensation for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements" (Const. 1875, Article XIV; Const. 1901, §235), under which it was held that a town is liable for damages caused by so changing the grade of a street as to prevent the natural flow of water from adjacent lots. (*Avondale* v. *McFarland*, 101 Ala. 381, 13 So. 504, adopting the opinion of Somerville, J., in *Montgomery* v. *Maddox*, 89 Ala. 181, 7 So. 433, and overruling *Montgomery* v. *Townsend*, 84 Ala. 478, 4 So. 780, 80 Ala. 489, 2 So. 155.)

From the foregoing considerations it is apparent that the decision in the case under discussion is of little assistance as an aid in determining the liability of municipalities in connection with the operation of their airports, except, perhaps, where such activity results in a direct invasion of property rights.

That the operation of an airport may result in a nuisance to adjacent property has been recently held in *Smith* v. *New England Aircraft Co., Inc.*, decided March 4, 1930, by the supreme judicial court of Massachusetts. It would seem that a municipally operated airport to be used by private individuals upon payment of fees would be subject to the same rules of liability in tort as any other municipally owned public utility. Such liability, in the absence of a statute granting exemption, is as broad as that of a private corporation performing a similar public function. Whether such statutory exemption be deemed advisable is a serious question, but it may be noted that already the states of Wisconsin, Texas and Iowa have enacted legislation to relieve municipalities from such liability in whole or in part.

HARRY J. FREEMAN,
New York University Law School.

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Dissolution—Effect of Judgment of Ouster In Quo Warranto Proceedings.—In *People ex rel. Lerch, County Collector*, v. *Sandman*, 170 N. E. 211, the Supreme Court of Illinois passed upon the effect of a judgment of ouster rendered against a school district. The collector sought a judgment for the sale of lands for non-payment of taxes levied by a school district against which subsequent to the levy a judgment of ouster had been entered. The court holds that upon the judgment of ouster, the district ceased to exist, and that taxes unpaid at the time could not be collected, as there were no officers to receive and distribute them. The allowance of an appeal which was never perfected did not stay the immediate effect of the judgment. A different situation would arise if the appeal had been perfected and was pending. In the instant case, the judgment immediately worked a dissolution and took away all the rights, privileges, and franchises of the corporation.

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Dedication of Land for Street Purposes—Effect upon Rights of Mortgagee.—New Jersey holds strictly to the doctrine that the owner of lands who sells off lots with reference to a map of the plot thereby irrevocably dedicates the portions indicated thereon as streets or highways to the public, subject only to an express rejection by the public authorities. This rule applies not only when the map is prepared by the owner, but also upon sale by reference to any map of the tract on file in the public records.

In *Dodge & Bliss Co.*, v. *Jersey City*, 148 Atl. 783, the court of errors and appeals reviews the decisions in that state and reaffirms the doctrine. The sale of lots in that case was by a trustee of the property and referred to a map of 1870 filed with the custodian of maps of Jersey City. The court found that the trustee had full authority to sell the lots in question upon the request of the beneficiaries of the trust and that such request was made and filed with the deeds of conveyance.

Upon the question of the rights of the mortgagee, the decisions in New Jersey hold that a dedication of part of mortgaged premises only creates in the public an equity to have the land opened for a highway and that the consent of the mortgagee is necessary to a complete dedication. (*Kiernan* v. *Jersey City*, 80 N. J. L. 273.) While in the instant case, no such consent was filed, the mortgage was subsequently foreclosed and the deed by which the master conveyed to effect the foreclosure sale specifically referred to the map of 1870 and made particular reference to the street in question. Such acts are held to have foreclosed all rights of the mortgagee or of the purchasers at the public sale.

In the instant case there had been no positive acts of acceptance by the city authorities. The court holds, however, that an act of the city in vacating and relocating a part of the street seems

to have been "necessarily a recognition of the public rights therein" and that, if an acceptance be considered necessary, the assertions of the city in its answer to the complaint are sufficient.

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Zoning—Reasonableness of Use Restrictions.—In *Taylor* v. *Haverford Township* decided by the Supreme Court of Pennsylvania, March 17, 1930, an ordinance of the town restricting to residence purposes the plaintiff's lands, which are peculiarly adapted to use for business purposes, was held to be unreasonable and void. The owner had for many years reserved from a tract of seventy acres plotted for residence uses a corner with an area of less than an acre. The evidence showed that for use as a site for residences the land was worth about $20,000, but about five times as much as a site for stores and other commercial uses. The ordinance, adopted in 1925, would allow but three residences on the land and compel the owner to leave 86 per cent of its area entirely vacant. On the opposite side of the street for four blocks the lots are used for business purposes. The plaintiff had expended some $7,500 in constructing paved roadways to make this lot more accessible for business uses.

Under these circumstances, the court held that, as was shown in *Nectow* v. *Cambridge*, 277 U. S. 183, the inclusion of the lot in question in a residence zone was not only not essential to the general zoning plan of the town, but "clearly unreasonable, discriminatory and confiscatory."

Another case somewhat similar is *Jones* v. *Los Angeles* (not yet reported), decided by the district court of appeals, 2nd app. dist. of California, March 10, 1930. The ordinance which was held discriminatory, unreasonable and void, prohibited the maintenance of sanitariums for the care of persons afflicted with nervous diseases in a comparatively sparsely settled district, while permitting them in densely populated residence districts.

✻

Special Assessments—Sale for Delinquency—Force of Declaration of Public Policy by the Legislature.—"What is, or what is not, against public policy is a question upon which courts in various jurisdictions do not always agree." This recognition of the conflict in the authorities on matters of public policy was contained in the opinion recently rendered by the California District Court of Appeal, Fourth District, in a case in which that very question was presented (*Southern Pacific R. Co.* v. *Stibbens, County Tax Collector*, 285 Pac. 374, 379). In this litigation a railroad company had failed, for a number of years, to pay assessments for local improvements lawfully levied against it under the provisions of the Storm Water District Act (1909, §11) expressly authorizing assessments of railroad property within the district, and a proposed sale of the land, comprising the right of way, to meet the delinquency was opposed on the ground that public policy in California would not permit the dismemberment of a railroad doing an intercounty or an interstate business.

To this contention, however, the court pointed out that the public policy of a state is not created by the judicial department, although such department may be called upon at times to declare it, but is determined by reference to the organic and enacted laws of the jurisdiction and that, therefore, where the legislature has acted upon a particular matter it has declared the public policy of the state with reference thereto. Accordingly it was held in the instant case that, as the only way to collect a delinquent assessment was by sale of the lands, the legislature could not have intended the making of an unenforceable assessment and that it has, therefore, determined the public policy of California to be that lands used as a railroad right of way may be sold to pay a delinquent assessment lawfully levied under the provisions of the act in question.

✻

Torts—Liability for Sidewalk Defects.—In *Moore* v. *City of Lockport*, 239 N. Y. Supp. 190, the Appellate Division of the Fourth Department reversed a judgment in favor of the plaintiff for personal injuries, holding that the city is not to be charged with liability for injury caused by the plaintiff stepping into a saucer-shaped depression 12 inches in diameter and 2 inches in depth in the center, placed there by city employees to reach a valve which controlled the water connection to the adjacent premises. The court seems to apply the same rule of liability which obtains where the defect results from the elements or the negligence of strangers to a case where the defect is the direct result of the act of the city. Justice Edgcomb says: "It is immaterial whether the hole was left at that time [when the city laid the water main under the walk] or whether it was gradually formed by breaking and wearing away of the cement."

The duty of a municipality to keep its streets

in a reasonably safe condition for travel is imposed by law. The city may be liable for defects created by the negligence of others. The New York rule governing such liability was laid down by Judge Hiscock in 1906 in the opinion of the Court of Appeals in *Butler* v. *Village of Oxford*, 186 N. Y. 144:

> It is not an insurer and is not expected to maintain walks and streets in such an absolutely perfect condition as to render an accident impossible, but is expected to use reasonable care and prudence in detecting and remedying any defect which it might be fairly anticipated would be dangerous and liable to cause an accident.

The above rule has been uniformly followed by the courts of New York since it was thus clearly enunciated. It may be doubted, however, whether it was intended to be or should be applied to cases where the defect which causes the injury is due to the act of an employee of the city. This distinction is generally recognized; a recent case illustrating this point is *Renstrom* v. *City of Nampa*, 279 Pac. R. 614, in which the Supreme Court of Idaho holds that the city is liable for the slippery streets caused by sprinkling in freezing weather, although it might not be charged for their dangerous condition if caused by the elements or acts of third parties.

PUBLIC UTILITIES

EDITED BY JOHN BAUER
Director, American Public Utilities Bureau

Interstate Commerce Commission Recommends Fixed Rate Base.—In the O'Fallon decision last year, the United States Supreme Court held that under the terms of the 1920 Transportation Act, the interstate commerce commission could not establish a fixed rate base subject to accounting control, but would be compelled to make allowance for reproduction cost or changes in value according to the law of the land as declared in a series of past decisions. The commission, under the Transportation Act, is required not only to fix reasonable rates, but to recapture 50 per cent of the excess earnings received by any carrier above a fair return. For both purposes, it needs a yardstick which can be readily applied. In the O'Fallon case it had adopted a definite yardstick, by starting with valuations made under the 1913 Valuation Act, and subsequently adding all additional net investments and subtracting further accrued depreciation, all subject to exact records and accounting control.

With the disallowance of this method by the Supreme Court, the commission was thrown back into chaos in struggling with recapture of excess earnings. It ordered a re-hearing in the O'Fallon case, and received arguments for various methods of procedure. On January 20, Commissioner Eastman transmitted a letter to Congress requesting a definite declaration of policy as to valuation to be followed by the commission in carrying out its duty. He proposed that Congress should amend the present transportation act so as to provide explicitly for the method of valuation which the commission had applied in the O'Fallon case.

Such a definite system of valuation, Commissioner Eastman stated, might be subject to review by the Supreme Court, if it were claimed in any instance to transgress the constitutional limitations. In that event, however, a broad declaration of public policy by the legislative branch of the government, particularly if accompanied by the economic and administrative reasons therefor, would be of great help to the Supreme Court.

What the Interstate Commerce Commission thus recommends is, in principle, the same as the recommendation of the minority of the New York state revision commission, reviewed in last month's number of the REVIEW. Commissioner Eastman was joined in his recommendation by every member of the commission, except Commissioner Woodlock, who believes that the determination of value is a judicial function and cannot be fixed by legislative declaration. The latter is the view expressed by the majority of the New York revision commission. There is, however, a distinct difference between Commissioner Eastman's recommendation and the plan recommended by the minority of the revision commission and long supported by this department. Both seek the establishment of a fixed rate base subject to accounting control, to make possible the administration of numerous properties operated under various circumstances. Commissioner Eastman, for all older properties, would start with valuations determined on the basis of 1914 prices, while our proposal is to start with present-day conditions as to all existing properties.

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Reforms Recommended in Massachusetts.—On March 3 a special legislative commission reported its findings and recommendations to the state legislature of Massachusetts. This commission has been investigating the control of electric and gas companies in the state, for the purpose of recommending changes in the law for more satisfactory public regulation. It has found that, with few exceptions, the old independent companies have disappeared and their place taken by eight great systems which completely dominate the industry. These systems supply over 90 per cent of the electricity sold to consumers, and 85 per cent of the gas. The eight groups are:

(1) Edison Electric Illuminating Co. of Boston
(2) New England Power Association
(3) Tenney properties
(4) Associated Gas & Electric System
(5) Eastern Gas and Fuel Associates

(6) Massachusetts Utility Associates
(7) Western Massachusetts companies
(8) Stone & Webster properties.

With the exception of the first group, these systems constitute voluntary associations managed by trustees, the beneficial interest in which is divided into shares and sold to the public like stock in a corporation. These associations hold the stock of the operating companies and receive all the dividends paid on the stock.

In addition to this source of income, most of the systems make profits also by means of contracts for management, engineering service, purchasing, and the like. The commission regards this practice as a very serious abuse. It calls special attention to the fact that in all such transactions, which have the form of agreement, the basic elements of a bargain are lacking. Instead of two independent parties, each trying to do as well as it can, there are two formal parties, which are subject to the same control. The commission recommends that the control over these contracts shall be vested in the department of public utilities, which should have the power to terminate any contract where the charge is unreasonable; and that all contracts shall be filed with the department of public utilities.

The commission considered also various other matters. It found that rate reductions had not been made, especially to the smaller consumers, to the extent that might be feasible. It approves the Massachusetts basis of actual cost for rate-making, but finds that the system is in danger because of the decisions of the Supreme Court in the O'Fallon and other cases. With respect to municipal ownership, the commission expressed no preference between that and private operation. It found, however, that the existing municipal plants have stood as a desirable check against abuse by private interests. In any case, where a municipality is dissatisfied with private operation, its entrance into the business should be facilitated as much as possible, but fair compensation should be paid for the property of the private company taken over by the municipality.

The commission does not recommend the direct regulation of holding companies. In its opinion, the operating company remains the proper unit to be regulated. It is opposed also to any legislation designed either to break up the existing systems or to restrict future consolidations.

There is a vigorously dissenting report by Representative Leo M. Birmingham. He criticized severely the failure of the commission to hold public hearings. He emphasized the necessity of a fixed rate base, and favored a system of contracts under which companies would be required to agree to the Massachusetts cost system at a penalty of losing valuable rights under the law, and especially with the provision of allowing municipalities to establish municipal ownership without the purchase of company properties, if such a contract has not been entered into. He found that rates are excessive and that the public has not had adequate protection.

Is Public Ownership Passé?—Many municipally owned electric systems have been sold during the past ten years, and have been absorbed by private holding-company systems. The extent of this movement has been presented statistically by Herbert B. Dorau in a monograph published by the Institute for Research in Land Economics & Public Utilities, Chicago, Ill.,—"The Changing Character and Extent of Municipal Ownership in the Electric Light and Power Industry."

This monograph brings together the available statistical data with respect to municipal establishments, when they were acquired or disposed of, under what conditions, the changes in type of plant, and the variations in different parts of the country. The analyses are elaborate, and the facts appear complete as to what has taken place over a period of 45 years—1882 to 1927.

The term "municipal establishment" is used to include every form of public ownership and operation, whether the municipality owns a generating plant, or purchases current and operates only a distribution system. During the entire period there had been established a total of 3,814 municipal systems. At the close, however, there were left only 2,320 plants, and 1,494 plants had been sold or otherwise discontinued. The number in existence continued to increase up to the close of 1923, when it reached a total of 3,066. The next year witnessed a decrease to 3,021. This was followed by a rapid decline to 2,895 in 1925, 2,612 in 1926, and 2,320 at the close of 1927. There was considerable variation in the rise and decline in different parts of the country.

Most of the establishments have been in small communities, where, apparently, private capital

and managerial skill could not be obtained because of the risk and small scope of operation. Of the 3,814 plants, only 15.44 per cent originated in municipalities of 2,500 population and over, and only 1.15 per cent in cities of 20,000 or over. The decline has been most marked in the smaller communities.

Significant figures are those which show the change in the character of the systems. At the close of 1900, there were 732 plants; of this number, 719 generated all the current sold, one generated part and purchased part, and 12 purchased all the current; over 98 per cent generated all the current sold, and they were all small plants. By 1920, there were 2,741 plants, of which however, only 67 per cent generated all the electricity sold, while 30 per cent did no generating at all. At the close of 1927, of the 2,320 plants in existence, only 43 per cent generated all the electricity sold, while 52 per cent consisted of only distribution systems.

The character of the establishments has thus changed very rapidly from complete system of generation and distribution to distribution exclusively. Of the 1,494 establishments changed to private ownership, 1,104 generated the current at the time of change, 19 generated part, and 371 generated none. It appears, therefore, that in most instances of sale to private ownership, the municipalities faced the choice of discontinuing their small and uneconomical generating plant and purchasing current from outside, or selling the entire system to outside interests. It was probably the change that had to be faced, which led to sale in negotiation with outside interests.

From the statistical standpoint of what has happened, the monograph is complete and clearly reliable. It may perhaps be criticized for excessive elaboration of analyses which have no real significance and serve more to obscure than to furnish real information. The fact stands out sharply that up to 1923 there was a steady increase in the number of municipal plants, while thereafter there was a sharp decline. The statistical measurements are important, but students of municipal ownership are interested also in the "whys," as to which the monograph offers no definite explanation. It does set forth, in general, what it considers underlying factors, but it disclaims any purpose of explanation. Its avowed object is merely to present the facts.

There can be no criticism of rigid demarcation between facts and interpretation. Unfortunately, however, Mr. Dorau evidently had his own explanations, which do crop out, and yet are not presented so specifically as to bring up sharply the propriety of his interpretation. His inference clearly is that the decline in public ownership has been due to underlying causes which have made public ownership less serviceable, and have turned the advantage to private ownership.

In his introduction Mr. Dorau sets out the political, legal, technological, and economic factors. The chief technological factor is the high efficiency of large generating stations, and the great development in transmission. Hence, the small communities can obtain current more economically from central stations outside, than by generating their own electricity with small and inefficient plants. This applies, however, to private as well as municipal establishments. The economic factor as viewed by Mr. Dorau is the decline in the cost of capital to finance the acquisition of municipally owned establishments, and the willingness of municipalities to sell at favorable prices, so as to use the funds for other municipal purposes.

These explanations are very general, and their significance can be weighed only in their application to specific instances. Perhaps here is a lead to a real explanation: "Another factor which contributed to the sellers' willingness to sell was the often handsome appreciation which had taken place in the value of the electric property." More was offered by the purchasers than the plants as plants were worth to the municipality. This, however, is not a basic economic factor as to relative efficiency of municipal and private ownership. It reflects rather the undefined status of state regulation as it affects public interest with respect to the great technological changes that had taken place.

Enormous economies have been achieved through central station and transmission development. Under an adequate system of regulation, these advantages would have been largely passed on to the consumers. But under the present system of rate-making, i.e., under the indefinite rule of "fair value," the private companies have been able to retain the savings largely for themselves, and could thus offer extravagant sums for municipal plants, with the idea that the amounts paid would be absorbed in the securities issued, and would be carried finally into the rate base upon which a re-

turn would be allowed by the commissions and courts.

The question is, How did the "handsome appreciation" develop? What was it due to? It could originate only through the failure of regulation to function properly in the interest of the consumers. If there had been throughout a definiteness of rate base, there could not have been any appreciation, and the economies of large-scale generation and transmission would have been passed on to the consumers, instead of being absorbed first in "handsome appreciation," then in extravagant capitalization, and finally in unwarranted valuations to be supported by rates paid by consumers.

Besides the statistics furnished by Mr. Dorau, there is needed a real study of causes and consequences, and this should not be left to generalities and vague implications. It should show specifically and in detail the circumstances of sale and what was done afterwards. It should, moreover, pursue a follow-up, showing how the communities which sold their plants at the "handsome appreciation" finally came out as to rates paid by local consumers, compared with other communities similarly situated which did not take advantage of the "handsome appreciation," but continued to render service at cost to the public.

Such a study is sorely needed. From such casual facts as have come under our observation, we surmise that the selling communities, notwithstanding the "handsome appreciation," later paid rather dearly through higher rates charged to local domestic users than could have been attained through continued municipal ownership. This, however, is a question of fact which ought to be investigated with as great thoroughness as Mr. Dorau applied to the mere statistics of municipal plants.

As to future relative advantage of municipal and private ownership, Mr. Dorau's figures furnish no evidence whatever. We surmise that in many instances there is greater economy in municipal ownership, even where limited to distribution alone. While the time for continuing local generating plants has probably passed, this is true of private as well as municipal plants. The real question is whether greater economy and lower rates for the future can be attained by municipal ownership, in coördinating the operation of the distribution system with other municipal departments, or by private ownership and operation under public control.

MUNICIPAL ACTIVITIES ABROAD

EDITED BY ROWLAND A. EGGER
Princeton University

THE DISTRIBUTION OF TAX INCOME IN THE GERMAN STATES

In writing of German taxation it is impossible to speak of state and municipal taxation apart from the general fiscal organization of the *Reich*, so completely has the entire national tax administration been integrated under the stringencies of post-war financial readjustment. Generally speaking, however, the states and municipalities are empowered at the present time to levy and collect taxes according to the requirements of statutes of the *Ländern* with comparative freedom so long as they do not contravene the national constitution or laws.[1] In the absence of concurrent jurisdiction granted by the national government, the assumption of a particular revenue source by the *Reich* precludes its utilization by the states or municipalities; the imposition of surtaxes upon sources taxed by the *Reich* is also prohibited without express permission by the national legislature. All new sources or projects upon which the states or localities seek to impose a levy must first receive the sanction of the national finance ministry.

No less severely circumscribed is the actual administration of taxes by the states. The unprecedented demands upon the public revenue have necessitated extreme care to provide that the burdens upon the various phases of the national economy be as equitable as possible. Carefully drawn and unusually detailed statutory regulations govern the classification of property for tax purposes; the factors which must be considered in arriving at the valuation in each class are prescribed in full, and a scientific method of assessment is mandatorily imposed, backed by stringent provisions regarding central administrative supervision and enforcement. Furthermore, these national statutes apply not only to the valuations of sources for national revenue—which, generally speaking, are as yet administered by state officials—but to all assessment of property *ad valorem*, whether by state, province, circle, or commune.[2]

It must be admitted that, regardless of the argument which may be made for the efficiency and equitable character of the present highly-centralized system of tax administration, it is entirely at variance with traditional German practice.[3] "Although the practical exigencies of the post-war situation are responsible for the system and for the direct administration system by the *Reich*, the constitutional basis upon which it rests is much more than an emergency measure."[4] We may, therefore, regard the present fiscal organization of the German Republic, restrictive as it is of state and local self-determination in matters of taxation and tax administration, and therefore of the whole of local administrative activity, as a permanent fixture in German government. And judged by the pragmatic test, it cannot be said to have failed.

STATES AND THEIR SUBDIVISIONS

An appreciation of the adjustments as to revenue sharing between the states and their administrative subdivisions must involve a knowledge of the relative importance of the various revenue sources. The four most important tax sources shared between the states and their subdivisions are the income and corporation taxes, business (sales) taxes, and realty taxes, important from the standpoint of fiscal return, and the automobile tax which is significant because of its restricted purpose and its intimate articulation with more general phases of state and local administration.

[1] The *Reich* may prescribe by law the principles of state and municipal taxation to the extent necessary to protect important social interests, prevent injury to national revenue or commercial relations, avoid double taxation, avoid undue burdening of communication and public establishments, prevent undue discrimination against imported goods in interstate or local commerce, and to forbid export taxes. *Constitution*, Art. 11.

[2] The *Reich*, of course, retains control at every stage of the process through its supervision of the state finance offices, the Superior Valuation Committees in each state, which are national authorities, and the National Finance Court.

[3] Constitution of 1871, Art. 70.

[4] Blachly and Oatman, *Government and Administration of Germany*, p. 217.

An analysis of income from tax sources reveals the fact that the taxes imposed upon personal and corporation incomes contributes almost 28 per cent of the total income of all the governments in Germany. It reveals further that the administrative subdivisions of the states receive almost one-third of their revenue from this source. The taxes on realty, industrial activity, improvements, and housing constitute the second most important source of revenue, amounting to over 27 per cent of the total tax collection. From this source the administrative subdivisions obtain practically half of their total funds. The "nuisance" imposts are negligently productive, contributing only about one-eighth of the total revenue.

In Prussia, while the administrative subdivisions (not including municipalities) share in all four of the above taxes, the most of the motor vehicle tax is assigned to the intermediate subdivisions.[1] In Anhalt this class of governmental organization receives the entire proceeds of the levy. State and local budgets are larger than those of the intermediate administrative units, to an even greater degree than would ordinarily appear to exist in the United States. It is thoroughly evident that, as a tax-receiving authority, the German equivalent of the American county has experienced a decided decline in post-war years.

The German system proposes an approximately equitable allocation of the revenues from the income tax between the state and its subdivisions, with the municipalities receiving all save a very negligible portion of the residue left from the state excise; the same generalization may be drawn from the allocation of the business imposts. With a few notable exceptions (Prussia and Saxony) the realty taxes are shared between state and municipal subdivisions; however, in contrast to American practice, the *Landkreise* and other non-municipal subdivisions, receive none of the yield from this source. A tendency is indicated on the part of the state to absorb the major portion of the motor vehicle tax, which means that, as is true in a number of states, the state is actually directly administering road construction, or that an extensive program of subsidization is in force.

That the present program is to a considerable degree unsatisfactory, not only as regards the relations between *Reich* and *Ländern*, but also with reference to the states and their intermediate administrative subdivisions is very evident in contemporary German governmental literature. To what degree it may be attributed to the necessities of conserving the tax sources of the nation for the purposes of the *Reich*, and to what extent it represents an integral part of the new philosophy of administration which controls Germany, is impossible of estimation. At the same time, the hardships which have complicated the administration of the intermediate subdivisions have resulted in considerable agitation for an alteration of organic status and a consequent functional readjustment which conceivably might lead to an entirely unbalanced administrative structure. As in the United States a tendency is noticeable, at least from a fiscal point of view, to fail utterly to realize the necessity of adjusting administrative functions to natural administrative units. This has, for reasons of financial incapacity on the part of these intermediate units, necessitated the assumption of many functions by the state for the performance of which its own administrative organization is singularly ill-adapted.

[1] The law requires the utilization of the entire proceeds of this tax, except the 4 per cent excise made by the *Reich* for administrative costs, in road construction and maintenance.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES
Secretary

Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since March 1, 1930:

New York Bureau of Municipal Research:
- *Report on the Advisability of Consolidating Tarrytown and North Tarrytown, N. Y., as a City.*
- *Report on a Survey of the Organization and Administration of the State Government of New Jersey.*
- *Report on Audit of the Financial Affairs of the State Government of New Jersey.*

Ohio Chamber of Commerce:
- *Taxation of Intangibles.* (*Research Bulletin, February*, 1930.)

✻

Chattanooga Establishes Research Bureau.—The Chamber of Commerce of Chattanooga, Tennessee, has completed plans for establishing a bureau of governmental research. The new bureau will begin to function on June 1, and will be supervised by John F. Willmott. Mr. Willmott, since July 1, 1927, has been director of the bureau of governmental research of the Kansas City, Kansas, Chamber of Commerce, and has achieved a fine record there under most difficult circumstances.

✻

California Taxpayers' Association.—A study of the fourth road district of Kern County, California, has been completed and now is in the hands of the printer. A survey of the county-wide plan of highway organization in California has been started. The survey of the status of Pasadena's educational system is fast nearing completion.

Two new local branches of the Association were formed in March. These are the Alameda County division and the Lynwood City unit, in Los Angeles County.

✻

Division of Municipal and Industrial Research, Massachusetts Institute of Technology.—The Division is continuing with its general program of field studies of industrial, civic, and general economic conditions on a community and regional basis and of carrying on such research studies as will facilitate this work.

Since the first of the year two field studies have been completed. These are a survey of industrial conditions in the state of New Hampshire, carried out in coöperation with the Grafton Power Company of that state, and a general community survey, along economic lines, of the city of Baton Rouge, Louisiana, and its trade territory. The report of the first of these studies has been published and it is expected that a summary of the Baton Rouge survey will shortly be available in printed form.

At present the Division is engaged in making a survey of municipal and industrial conditions in the city of Somerville, Massachusetts; it is also coöperating in an investigation of industrial conditions in the state of Vermont. These surveys, with incidental research and the publication of a bi-monthly bulletin dealing with various aspects of municipal and industrial problems, complete our budget of current activities.

✻

The Taxpayers' Association of New Mexico.—The director, R. F. Asplund, is also acting as state comptroller. In February of this year Mr. Asplund was appointed to the state position by Governor R. C. Dillon and accepted the appointment temporarily for the purpose of studying more closely the financial affairs of the state and its subdivisions. Out of his administration it is hoped that there may result a reorganization of financial departments and an improved system of control of expenditures under adequate budget measures. As state comptroller he is charged with the duty of auditing all the state departments, commissions, boards, and institutions and all local subdivisions, including counties, cities, towns, villages, and school districts. He has charge also of the motor-vehicle license collection and the gasoline tax department.

The Ohio Institute.—As a part of a study of election administration, made in coöperation with the Dayton Research Association, reports will shortly be issued dealing with permanent registration of voters and the use of voting machines. The first outlines a procedure suited to the application of the permanent registration provisions of the new election law, and the second examines the practicability of voting machines under Ohio conditions.

The Institute has just completed a report on the rural school-district system of Ohio. The study deals chiefly with economic phases of the school-district organization and emphasizes the inefficiency of the small-district system. Legislation is suggested permitting the substitution of county school districts for the existing small-district arrangement.

Preliminary work is being done on the problem of a state-wide system of judicial statistics.

*

Philadelphia Bureau of Municipal Research.—The Bureau coöperated with the Philadelphia Conference on City Government, which held a series of meetings from March 20 to 22. In addition to assistance in arranging the program, the Bureau supplied two of the speakers. Mr. Beyer, the director, addressed the Conference March 22, on "Better Methods in City Business," and Mr. Shenton, assistant director, presented a paper on March 21 entitled "Next Steps in City-County Consolidation."

The Thomas Skelton Harrison Foundation has published the second pamphlet in its Philadelphia municipal court survey series. It contains two reports, on "Auditing Control" and "Purchasing Procedure," made by the Bureau of Municipal Research in the course of its survey of the municipal court, begun in 1925 at the invitation of the then president judge. William Watson, of the National Institute of Public Administration, New York City, made the studies and wrote the reports for the Bureau.

When these studies were made, in 1925–26, the municipal court of Philadelphia was a million-dollar-a-year activity; and it still is. Auditing control for such an activity, in the words of the report on that subject, "requires organization and methods that will enable it to function with success and that will inspire public confidence." The report analyzed the organization and methods in use and recommended a number of changes. The analysis itself, however, was not an audit. Its purpose was to devise a system under which irregularities could not easily occur. The objective of the study of purchasing was a system by which expenditures for supplies and contractual services would bring the court a maximum return. Shortly after the studies were made, interim drafts of the reports were sent to the court, which then adopted many of the suggested practices.

The report on auditing control discusses, in addition to the auditing organization, the control over expenditures for personal services, over expenditures for other than personal services, and over certain moneys known as "restitution funds," which come from private sources or pass through the hands of court employees on their way to mothers of dependent children. The report suggests administrative practices by which the chief clerk can assure himself that the payroll contains no "dummy men," that pay is not given for services not rendered, that expense accounts are not padded, and that other possibilities of leakage which often are present in a large organization are effectively closed.

As supplies and contractual services of the court in 1925 cost a relatively small sum (about $56,000), and to a considerable extent the prices were beyond the court's control, the field of suggestion for improved purchasing methods was somewhat limited. Nevertheless, there were points at which it was thought that better methods would result in better prices. On the other hand, it is shown that largely through the elimination of unnecessary purchases the court's expenditures for supplies and contractual services had dropped from $93,542.66 in 1923 to $52,-324.77 in 1924, and in 1926 were still $38,445.68 below the 1923 level. The report on purchasing also comments on substantial savings due to commendable thrift and to ingenuity in salvaging supplies and materials.

Copies of these reports are available free of charge on application to the Bureau of Municipal Research, 905 Social Service Building, 311 South Juniper Street, Philadelphia, Pa.

*

Schenectady Bureau of Municipal Research.—A meeting will be held shortly with the citizens' committee appointed by the Bureau and the community chest board of directors to discuss the possibility for centralized control and direction in the welfare problems of Schenectady.

The managing director of the Bureau has been requested by W. P. Capes, executive secretary of the New York State Conference of Mayors, to serve as an instructor in the school for civil service commissioners which is being held under the direction of the Conference on April 25. He will speak on the subject of "The Certifying and Checking of Payrolls."

The firm of Pearse, Greeley and Hansen of Chicago is now engaged in a detailed study of the collection and disposal of refuse in the city of Schenectady. This firm was brought to the city by resolution of the common council and will endeavor to solve a long-standing city problem. The Bureau staff has made a preliminary survey and has been able to aid Mr. Greeley and his assistants in the work.

The Bureau has recently completed a study of the proposal made by the county of Schenectady to issue $1,300,000 in highway bonds. The Bureau made definite recommendations as to the method of floating such an issue and the type of payment to be used. The results of the study have been published in the Bureau's *Monthly Letter*.

A meeting with the common council committee on laws and ordinances will be held in the near future to discuss the question of increasing city revenues. The Bureau in its capital-budget study recommended that license fees and charges for municipal services be increased to provide additional funds for city operation. It is expected that, by a revision of these charges, about $30,000 annually can be added to the income side of the city budget without imposing hardships on any class of persons.

*

Stamford (Connecticut) Taxpayers' Association.—The mayor's charter-revision committee, by a vote of ten to eight, has decided to draft a strong-mayor charter for Stamford. This decision was made after the resolution of the Stamford Taxpayers' Association, recommending the council-manager plan, had been presented, and in the face of the fact that, of all the outside authorities who addressed the committee, none advocated the strong-mayor plan.

After caucus, the militant minority composed partially of the president of the chamber of commerce, president of the Taxpayers' Association, president of the real estate board, publisher of the newspaper, and the president of the National Municipal League, reported to the charter revision committee that they would submit a minority report in the form of a council-manager charter.

Members of the minority promptly set themselves at work in preparation for their task. They visited Stratford and New London, Connecticut, in an effort to get an insight into the operation of the council-manager plan in those two cities as well as to get some advice on charter procedure. Another day was spent in visiting the National Municipal League headquarters and in examining the operation of the strong-mayor plan in Mount Vernon, New York. The activities of the Taxpayers' Association have been devoted to the details of this general program.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Citizens' Committee Relieves Chicago's Financial Distress.—While the primary objective of the Chicago citizens' committee, headed by Silas H. Strawn, is to place the local governments on a sound financial footing, it has "rescued" the major units by raising a fund of approximately $74,000,000 which will enable them to pay salaries and other imperative charges until July 1. Had not the committee arranged for aid, more than 40,000 employees of the major units, including teachers, firemen, policemen and departmental personnel, would have gone payless for no one knows how long.

To meet the emergency, the Committee called into service the war-time liberty-loan brigade. Headed by Philip R. Clarke, president of the Central Trust Company of Illinois and chairman of the war-time loan drive, an intensive thirteen-day campaign was held to pledge funds from taxpayers, large and small, individual and corporate, towards the Cook County Warrant Taxpayers Trust. In this way approximately $74,000,000 was pledged, this being the amount estimated as needed to meet salaries, interest payments and other emergency bills until July 1, when it is expected collection of 1928 taxes will begin.

Under the plan worked out by the committee, investors in the trust are called upon to fulfill their pledges from time to time in amounts sufficient to meet recurrent payrolls, etc., as these obligations fall due. The investors receive beneficiary certificates of indefinite maturity. The trust then buys the tax anticipation warrants of the local governments. The trust is administered by a managing committee from the citizens' committee. By controlling the funds thus subscribed the committee is in a position to apply the money where and when it is most needed. As a condition of undertaking to meet the emergency in this way, the committee insisted that all of the governmental units clear through the one center and agree to abide by the conditions prescribed.

The committee is also insisting publicly and privately that the reassessment of real estate be completed at the earliest possible date. May 1 is the date set for the completion of the 1928 reassessment. The board of assessors has completed its work and has begun on the 1929 tax lists. The board of review, in all probability, will expedite its work so as to place the books in the county clerk's hands not later than May 1. One month is the amount of time required to extend the rates and prepare the bills. The schedule calls for mailing the bills June 1, and July 1 is the date when 1928 taxes become delinquent. If this schedule fails, an emergency far greater than the one just bridged will be inevitable.

In line with the purpose which led to its formation, the committee is preparing a three-fold program of legislation for the consideration of the Illinois general assembly which, it is expected, Governor Emmerson will call soon after the April 8 primary. The principal points of this program will be:

1. Revision of the system of assessment.
2. Restriction of the borrowing power of the municipalities.
3. A definite budget law to control expenditures in relation to revenue.

In this work the committee is having the assistance of specialists in public finance and local conditions from civic agencies, Chicago and Northwestern universities, and local counselors. Conditions appear propitious for a radical revision of the 80-year-old tax system and the adoption of sound fiscal policies and methods of control.

EDWARD M. MARTIN.

Union League Club of Chicago.

*

Grand Rapids Renews Its Confidence in Manager Welsh; News of Flint and Pontiac.—Grand Rapids, Michigan, by its city election April 7, confirmed the position of George Welsh, city manager, by heavy popular majorities. On every issue, including candidates, the Welsh program was victorious.

The Welsh slate included the following items: Proposal to build a convention hall, approved by the manager, carried 20,798 to 4,320. The

bond issue for the hall carried 20,968 to 4,276. Fred Schriber, Welsh commissioner, was re-elected from the first ward, 3,923 to 2,555. Bruce Chalmers, another Welsh supporter, was reëlected from the second ward, 4,602 to 3,883. Chalmers defeated Clayton Hoffman, who was backed by Frank D. McKay, state treasurer, "political boss" and long-time foe of Welsh.

Elvin Swarthout, mayor for six years and opposed by Welsh, was defeated by John D. Karle, former city commissioner, 13,308 to 14,222. Karle had approved the Welsh régime. The entire election assures Welsh control of the commission, with a possible five of the seven members aligned with him.

Somewhere in the picture even a manager-plan city incurs fatal liabilities when it overlooks the purely political factors. For five years Welsh, a hard-headed politician, bitterly criticized the city manager plan in Grand Rapids, charging financial mismanagement by the commissioners and City Manager Fred Locke. Welsh was formerly a member of the Michigan legislature and served a term as lieutenant governor. In 1927 he was an unsuccessful candidate for governor. His local attacks on the city manager administration resulted a year ago in electing four out of the seven commissioners favorable to Welsh. As a result Welsh was chosen city manager, though he calls himself a "dollar-a-year man" and the salary goes to the assistant manager actively in charge.

Welsh's contention was that during the Locke régime city financing had been bungled till the accumulation of deficits totaled more than a million dollars. In this criticism, unprejudiced witnesses say he was correct—it was a case of withholding the facts from the people in order to avoid political attacks. During the past year Welsh has taken up the financial slack sufficiently to convince the Grand Rapids public of his sincerity and ability. Those who have known Welsh since he began life in Grand Rapids as a newspaper boy expect that in some way he will capitalize politically his city manager success.

Flint, Michigan, registered victory for progressive citizen forces at its election April 7 when nine commissioners were chosen to begin the new city manager régime. Seven of the nine elected were supported by the Citizens' League. Of the other two, one was William McKeegan, former mayor, who for many years has been a political stormy petrel in Flint, and who campaigned on a slate with other candidates, several of whom were successful. The ninth commissioner is J. Bradford Pengelly, a former Episcopalian clergyman, and real estate operator.

In Pontiac, after months of turmoil, controversy, political publicity and organized agitation, the city commissioners who have been attacked by an insurgent citizen organization were vindicated by reëlection. To secure this vindication, business men and industrial leaders organized a citizens' association which presented the favorable side of the picture for the commissioners during the controversy.

W. P. Lovett.

*

Philadelphia Seriously Undertakes Zoning.—Close to 800 cities in the United States enjoy the protection afforded by zoning regulations, and Philadelphia is among the few important cities that have not been zoned. Many will wonder why so important a subject has been allowed to drift so long.

Briefly it may be stated that Philadelphia was not satisfied with anything short of comprehensive zoning and for that reason all interests were not unanimous in supporting past efforts. The enabling acts of 1915 and 1919 were ambiguous and lacking in power. While it is true that efforts to zone Philadelphia have met with relentless and bitter opposition from a small minority, their object has been accomplished by the erection of certain buildings and their opposition is now on the wane, but that is not all.

The chief obstacle to zoning in Philadelphia in the past has been the lack of a proper enabling act. This has at last been removed by the new enabling act passed on May 6, 1929. The prospects of success are much improved because this act had the backing of some of the most important city interests and civic bodies.

The mayor, Harry A. Mackey, appointed a new zoning commission on June 24, 1929, consisting of 22 members, representing banking, real estate, builders, engineers, architects, artists, manufacturers and lawyers. The chairman is J. Willison Smith, president of the Real Estate Land Title and Trust Company. George R. Mackenzie, engineer for the former commission, was appointed engineer-secretary. The commission is now making a detailed study of the ordinance prepared by the former zoning commission.

They have found that in the ordinance prepared by the former commission very desirable ground work has already been prepared, covering a number of years' intensive study, and including a set of zoning maps of the entire city. These, of course, will have to be revised and the ordinance will have to be reviewed and amended in places.

A representative of the city law department has been assigned to attend meetings of the commission and go over the entire ordinance with the ordinance committee.

Use, height and area committees have been appointed. It is expected in the late summer or fall they will be in shape to start bringing the maps up to date, after which public hearings will be held before presenting the ordinance to the city council.

The commission feels sanguine of results as the general sentiment in Philadelphia is much more favorable toward zoning than it has been in the past. Some of those who opposed it a few years ago, are anxious to have the ordinance passed now. Space will not permit us at the present time to give any detail of the ordinance, but we will say briefly that it will be a use ordinance with height and area subsidiary regulations, and will require only one set of maps.

J. Willison Smith.

*

New Jersey Billboard Bill Becomes Law.—In New Jersey the assembly has passed and Governor Larson has signed a bill providing for licensing (and therefore regulating) billboards. The bill contains the following provisions:

1. In order to erect, use or maintain a billboard for outdoor advertising except at the place of business, any person, firm or corporation must pay a license fee of 100 dollars to the state board of taxes and assessment after January 1, 1931, and all licenses issued after that date expire on the first day of January following the issue.

2. The location and size of proposed billboards must be filed with the above-mentioned board by December 15 of each year and the sum of three cents per square foot of the surface to be used must be paid.

3. Any person, firm or corporation outside of the state must furnish a bond of 1,000 dollars to guarantee that they will observe the laws of the state in this regard, and the regulations of the state board of taxes and assessment.

4. No billboard can be erected where, in the judgment of the above board, it would be injurious to property in the vicinity or

"Within a distance of five hundred feet of an intersection with another highway, or with a railroad or street railway, at a point where it would obstruct or interfere with the view of a train, street car or other vehicle on the intersecting highway, railroad or street railway; nor shall any such billboard or other structure be erected or maintained on any public highway, park or other public property."

It is generally conceded in the state to be a rather remarkable victory for women, many of whom had never participated in active politics before, who became interested through their garden clubs.

In addition to the demonstration of the power of women, when organized, in politics, there are other interesting economic and political aspects of the fight over this bill. The fact that the New Jersey Federation of Labor opposed it is interesting in light of the fact that the New York Federation of Labor favored a similar bill. The arguments in New Jersey were that 900 painters, lumber workers, carpenters and farm hands would be out of jobs, and that there was a bad unemployment situation in America now.

Assemblymen said they received letters from many farmers saying that they needed the money paid for the use of their land along highways, and that they feared this would reduce their income from that source. Some assemblymen felt that it was the duty of all legislators in America just now to help the poor farmer.

It was rumored, rightly or wrongly, that the American Legion opposed the bill. The women put a thinly veiled threat in the *Newark Evening News* of March 17 to the effect that they had always supported veterans' measures. The next day the head of the state American Legion denied that the Legion as a body was opposed.

The vested interests of Atlantic City opposed violently the application of the bill to billboards along the Boardwalk. Senator Richards of Atlantic City moved an amendment on that point on the night of March 24, and the motion was carried, but the next morning Senator Kuser, who had voted for Senator Richards' amendment, put the vote on reconsideration, saying that he had become convinced that the amendment had been put in order to kill the bill upon its return to the Assembly—and the bill was carried without the amendment.

Just before the final vote in the senate Senator Richards said: "You may get the votes of these women who are backing the bill for Morrow, but I promise you that I'll get one for Frelinghuysen to offset every one you gather for Morrow."

Now the women are using on their letters stickers which say: "I favor the Firms which favor the Scenery."

MILDRED MOULTON.

New Jersey College for Women.

Oakland Saves 20 Per Cent on School Construction.—"About 20 per cent of the cost of building high schools can be saved," is a statement made by W. E. Whalin, superintendent of building and grounds of the Oakland Public Schools, in an article in the *California Tax Digest*.

Speaking of the experiences in Oakland during the five years in its building program, Mr. Whalin points out that by following standard requirements in the construction of 71 complete school buildings, there has been a reduction in the building cost of the elementary schools of 12 per cent, in the high schools of 20 per cent, and that a more efficient inspection of buildings has been possible at a reduction in cost of overhead of approximately 33⅓ per cent. The plan followed by Mr. Whalin is as follows:

The architect for each building is given a preliminary plan showing tentative arrangement of rooms and location of building on the site, together with the standard plans and specifications for his use in developing final working plans and specifications. These supply him with all necessary information regarding the building. He is also requested to keep in mind the following general policies:

(a) Utmost economy in planning and designing.

(b) Utmost utilization of floor space for instructional purposes.

(c) Careful attention to avoid fire hazards.

(d) Providing of adequate and modern sanitary accommodations.

(e) Extreme care to provide definite, clear-cut and adequate plans and specifications.

(f) Careful checking of plans and specifications before submitting for approval.

(g) Strict adherence to all city building ordinances.

(h) Approval of plans and specifications by city building department and fire department.

The information contained in these standard plans and specifications also outlines the following four main purposes:

1. A definite statement of the organization, lines of authority and responsibility, procedure and policies, as approved by the board of education for the erection of schools.

2. Provision whereby architects, engineers, contractors, educators, and interested persons may know the exact educational and structural standards.

3. The provision in school buildings of adequate classroom needs, in accordance with approved courses of study.

4. The complete standardization of such classroom needs covering each type of room.

Realtors Study Effects of Street Widening on Adjacent Property.—Does the re-making of a narrow street into a wide thoroughfare have the effect of waving a magic wand over the property fronting the new traffic artery and, for the reason of the widened street only, cause great increase in the value of contingent real estate? Is residential property value increased substantially by street widening in residential sections of a city?

To be able to answer these and other questions to their own satisfaction, the city planning committee of the National Association of Real Estate Boards has begun an investigation of the effects of street widening on real estate values, according to W. W. Butts of St. Louis, chairman of the committee.

Harland Bartholomew, of the St. Louis City Planning Commission, has been retained to advise the committee during the coming year. Mr. Bartholomew is a member of the board of governors of the Institute of City Planning and was adviser and director of the preparations for the zoning ordinances of Washington, D. C.

The Practical Workings of Proportional Representation in the United States and Canada

By
JOSEPH P. HARRIS
University of Wisconsin

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EDITOR'S PREFACE

In American municipal government, proportional representation is rapidly passing the stage of academic discussion, and is being exposed to the severe test of experience. As Dr. Harris points out, it has been used in eight cities in the United States and in seventeen in Canada. Cincinnati reformers believe it to have been largely responsible for the overthrow of the machine in that city. It is now true that consideration of proportional representation as a desirable system of electing the council cannot be evaded by charter commissions or other agencies engaged in drafting a new fundamental law for their city.

For many reasons the National Municipal Review is glad to publish the results of Dr. Harris's survey. In preparing his report he visited every city in the United States and Canada which uses proportional representation, except the small towns of West Vancouver and South Vancouver, British Columbia. His previous publications on elections and electoral methods and his established reputation for scientific soundness inspire confidence in the authoritative nature of the findings which he has here set down.

H. W. Dodds.

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THE PRACTICAL WORKINGS OF PROPORTIONAL REPRESENTATION IN THE UNITED STATES AND CANADA

BY JOSEPH P. HARRIS

University of Wisconsin

I

INTRODUCTION

PROPORTIONAL representation is no longer merely a theory in this country. It has been used in eight cities in the United States, covering twenty-nine elections, and in seventeen Canadian cities, covering approximately ninety elections. It has been used in Ashtabula for a period of fifteen years, and in Boulder, Colorado, for thirteen years. Three Canadian cities have used P. R. for ten years or more. Two of them, Winnipeg and Calgary, are cities of considerable population, while the other, West Vancouver, is relatively small. Two of the large cities of the United States, Cleveland and Cincinnati, have used P. R. for six and four years, respectively. Twenty referendum votes have been held in the United States and Canada upon P. R. after trial for one year or more. At present P. R. is in use in four American cities: Boulder (1917), Cleveland (1923), Cincinnati (1925), and Hamilton (1927); and four Canadian cities: Calgary (1916), West Vancouver (1917), Winnipeg (1920), and St. James (1923). Ashtabula, the first American city to adopt it, abolished the system by popular vote in 1929, though the present council was elected under it.

The experience of the several cities in this country and Canada with proportional representation should be sufficient now to permit some conclusions to be drawn as to its practical workings for the election of municipal councils. Its history should afford at least a tentative answer to these questions: Is P. R. a vital reform for municipal government? Is it essential for the successful operation of the city manager plan? Should it be included in new municipal charters which are being prepared for submission to the voters? Does it result in a representative council? Does it attract better members to the council? Does it, on the whole, work better than the older systems of election by wards or at large?

This study is limited to the practical workings of the Hare system in the election of the municipal councils in the United States and Canada. It is assumed that the reader is familiar with the principles of this system of proportional representation.

A great deal of the literature on proportional representation deals with its operation in other countries, with the List System, with the election of members to state or national legislative bodies, and with the representation of political parties. This study will not go into these problems. It may be granted at once that if representation in a legislative body is based upon political parties, and it is desired to accord to each party representation according

to its strength, proportional representation is essential. This consideration does not, or should not, apply to the election of a municipal council. Political parties are rapidly disappearing in municipal elections in this country. In many cities where the nonpartisan election and nonpartisan primary exist, no attention whatever is paid to national partisan affiliation. This has brought about a great improvement in municipal affairs. The problem facing the American municipality is not that of representing national political parties fairly, but rather that of getting rid of such parties altogether in municipal elections, and securing a system of representation which will produce satisfactory city councils. A council, to be satisfactory, must be representative; it must consist of at least a few outstanding leaders in the life of the city; it must maintain at least a fair level of ability among its members.

ELECTION BY WARDS

Proportional representation can be considered as a basis for the election of council members only in comparison with other systems which may be used. A great deal of the argument for proportional representation consists, not in an exposition of its own merits and good results, but rather in an account of the evils of the single member district or ward system, which is generally used in this country. The ward system is thoroughly bad; it fills our municipal councils with mediocre members, sometimes corrupt; it lowers the prestige of membership in the council; it creates and fosters a narrow provincialism with petty politics, wire pulling, and logrolling in the council; and usually inadequately represents the various groups of the city. There is great need for a system of representation which would fit urban conditions more realistically, and do away with the artificial ward lines and the attendant effect upon the personnel and procedure of the council.

ELECTION AT LARGE

Another method commonly used in the election of municipal councils is the block or election-at-large method. It is coming to be used widely in this country, particularly in city manager cities, where it has practically displaced the ward system. A small council, elected at large, is in almost every respect preferable to a large city council elected by wards. The outstanding defect of the block method of representation is that it makes no provision for the representation of minorities. This is a particularly serious matter where elections are conducted upon partisan lines, for one party usually captures the entire body, but it may be important even where party lines are not followed, provided some large part of the body of citizens is without representation in the city council. Fortunately, in many American cities where the council is elected at large, this objection does not apply. Party lines no longer obtain, and the voter casts his ballot, not as a member of a group, but rather as an individual, for candidates in whom, through acquaintance or reputation, he has confidence of their ability and integrity. The election-at-large system, however, has several other weaknesses. First, it places an undue premium upon the candidacy of persons who are widely known throughout the city; second, it discourages the candidacy of outstanding leaders of important groups or factions, particularly if the group or faction is in the minority; third, it compels the candidate to conduct a campaign throughout the city, often at considerable expense; and fourth, it asks the voter to cast his ballot for as many persons as there are vacancies to be

filled, though he may have little information about more than three or four candidates.

The election of city councils by wards is decidedly unsatisfactory. The election at large is a great improvement, and works well in many cities, but is subject to political manipulation and to other objections which may be particularly serious in some cities. This study is to evaluate the practical operation of proportional representation as a substitute for these methods. There is given first a brief account of the history of P. R. in the several cities, which is followed by an analysis of the practical workings with respect to the claims which are made for P. R. and the objections which are raised against it. Lastly, certain modifications in P. R. are advocated to make it better adapted for widespread use in this country.

II

EXPERIENCE WITH PROPORTIONAL REPRESENTATION

ASHTABULA

Ashtabula, Ohio, was the first city in America to adopt the Hare system of proportional representation, though a number of cities and the state of Illinois had previously used systems of limited or cumulative voting, designed to secure minority representation.[1] It was adopted in 1915, and the first P. R. council was elected that year. It has continued in operation until the present time, though upon a referendum vote in 1929 P. R. was abolished. On two previous occasions it was sustained by popular vote. Ashtabula was the first municipality in this country to try P. R., and has used it over a longer period of time than any other city. The practical operation has been described in numerous magazine and newspaper articles. The most exhaustive study was that made by Professor Raymond Moley and Mr. Charles A. Bloomfield, which appeared in the National Municipal Review of November, 1926.[2] The experience of P. R. in Ashtabula over a period of fifteen years, including eight elections and three referenda on the subject, is significant.

Ashtabula is located on Lake Erie, about fifty miles east of Cleveland, with a population of slightly over 20,000. It is largely an industrial city, with an important harbor which gives employment to many of its citizens. There is a large foreign population, consisting principally of Italians, Swedes, and Finns. Under the old ward system the Italians dominated one ward, the Swedes and Finns another, and the older American stock the remaining two wards.

A charter commission in 1914 considered P. R. in connection with a new manager charter, but finally decided against it. The proposed charter was adopted by popular vote at the November election of that year, but P. R. was submitted to a popular vote in a special election in August of 1915, and adopted by a vote of 588 to 400, before the first election was held under the new charter.

The first P. R. election in November, 1915, went off without difficulty. The vote was light. The council elected was said to be thoroughly representa-

[1] See Howard L. McBain, "Proportional Representation in American Cities," *Political Science Quarterly*, June, 1922.

[2] "Ashtabula's Ten Years' Trial of P. R."

tive, though no one claimed that it differed much in character from the councils which had been elected under the old combined ward and at large system. The next day one newspaper said:

> The drys and the wets are represented; the Protestants and Catholics; the business, professional and laboring men; the Republicans, Democrats, and Socialists; the English, Swedes, and Italians all are represented. It would be hard to select a more representative council in any other way.[1]

The other local paper said:

> It is generally conceded that it (P. R.) has given Ashtabula a broadly representative council, probably the most representative in the city's history, and that is the real aim of the Hare system.[2]

There seems to be ample evidence, however, that the members of the first council were not outstanding citizens. W. E. Boynton, the "Father of P. R. in Ashtabula," in writing of the troubles which the council experienced in selecting a manager, said:

> While some of our people blame proportional representation, it is admitted that at the bottom, the cause of our trouble was that so few broad-minded, capable men were willing to become candidates for the council, and that so few people took the interest they should have in trying to get men of this kind to serve as councilmen.[3]

Professor Hatton prophesied that as soon as the system was thoroughly understood the quality of the council would steadily improve, and that men of high professional and business standing would become candidates.[4] The principal charge brought against the first P. R. council was the election of one Corrado, an Italian saloon keeper, at one time indicted for cutting to kill. Corrado, however, had served several terms previously in the council, and, as a matter of fact, was reëlected several times and defeated twice under P. R. He was convicted of violating the prohibition law during his last term in council from 1927–1929. In the first P. R. election the wet and dry question was a disturbing factor, as it had been for years in municipal elections.

THE COUNCIL AND THE MANAGER

When the council organized in January, 1916, the first problem was the selection of a city manager. The three drys in council caucused and decided to support a local man, who was at that time director of public service. The wets retaliated and decided upon one of their own number, whose principal qualification for the position of city manager was that he needed the job. This councilman, by his own vote, was elected as manager, but the public protest was so great that he never accepted the position. After a deadlock that lasted through fifty ballots, another local man was selected. P. C. Remick, president of the charter commission and for some years president of the local chamber of commerce, said of this selection:

> The council, contrary to all precedent in cities having the manager form of government, elected as manager a citizen of Ashtabula, J. W. Prine, who had never had any experience whatever in municipal government. By trade Mr. Prine is a painter and paper hanger and followed his trade all of his life, except twelve years, when he served as postmaster at Ashtabula. It is conceded by practically all that he made the best postmaster Ashtabula ever had, and he is making good as city manager by simply using good common sense in conducting the business of the city.[5]

[1] Ashtabula *Beacon*, Nov. 5, 1915. Quoted in the *Proportional Representation Review*, Jan., 1916.

[2] Ashtabula *Star*, Nov. 5, 1915. Also quoted in *Proportional Representation Review*, Jan., 1916.

[3] "Proportional Representation in Ashtabula," National Municipal Review, Jan., 1917.

[4] A. R. Hatton, "The Ashtabula Plan," National Municipal Review, Jan., 1916.

[5] "How the 'Ashtabula Plan' Works," *Proportional Representation Review*, April, 1917.

The principal dissatisfaction with P. R. in Ashtabula has been caused by the frequent changing of the manager, the failure of the council to select a capable man and retain him. Mr. Prine was followed within a year or so by another local man, who resigned in 1922, and was succeeded by W. M. Cotton, the first out-of-town manager, with experience and training to qualify him for the office. Mr. Cotton continued in office until 1926, when he resigned on the eve of a referendum vote upon P. R. to accept another position. He made an excellent record as manager and had the support of the majority of the council when he resigned, but was the target of bitter attack in the charter election then being held. Following this, one manager succeeded another in fairly rapid succession, all being local men without any particular training or experience in municipal administration. Many people in the city became disgusted at making the managership a football in council politics, and held P. R. responsible. This was probably the principal factor which led to the defeat of P. R. in the 1929 election.

PRACTICAL OPERATION

A painstaking analysis of the practical workings of P. R. in Ashtabula over a period of ten years from 1915 to 1926 has been made by Professors Moley and Bloomfield, comparing this period with the previous ten years.[1] The most significant conclusions reached in this excellent study, covering the first six councilmanic elections, may be summarized as follows:

1. P. R. has not affected the popular interest in elections, as reflected in the total vote for council. The average vote cast has declined 12 per cent in comparison with the average vote during the preceding ten years, but a similar decline has been experienced in other public offices.

2. The number of candidates under P. R. has been approximately half of the number under the previous combination ward and at-large system. (The number of councilmen was the same under both systems.)

3. The tenure of office has been the same under both systems.

4. There has been a measurable improvement in the quality of councilmen, but hardly sufficient to justify any claim that P. R. has been responsible. It is probable that the city manager plan has attracted somewhat better candidates.

5. The number of invalid ballots was high for the first three elections, but has since declined to a negligible number.

6. "Like-minded" or interest groups have played little or no part in the elections. Acquaintance and neighborhood association have been much more important. Labor has not been stirred to political activity, and the Socialists have practically disappeared, as elsewhere in this country.

7. Religion has played a somewhat larger part in elections. In 1917 the Guardians of Liberty, an anti-Catholic organization, supported four successful candidates, and in 1923 the Ku Klux Klan played a prominent rôle. In these elections, however, as at other times, the Catholic group was able to elect at least one representative to council.

8. Political parties have disappeared in municipal elections.

REPEAL OF P. R.

Several events following the election of 1927 tended to discredit P. R. The election of that year was marked by a larger number of candidates than in former years, and a larger vote, due in part to the referendum on a proposed sale of the municipal electric plant. The superintendent of schools, W. E. Wenner, received the highest vote. When the council met to organize, he was unable to attend because of illness. It had previously been customary to elect the candidate who had received the highest vote as president of the council, but Wenner was opposed by Arthur Rinto, former president of the council. A deadlock resulted, which

[1] *Op. cit.*

was finally broken by the election of another member of the Rinto group. Shortly afterwards Mr. Wenner issued a statement from his sick bed, announcing his resignation. It should be noted, however, that the question of his eligibility to serve as councilman and also as superintendent of schools had been raised, and a test case threatened. At any event, these developments aroused considerable resentment against the council, and the method of election was held partially responsible. The *Star Beacon* which had previously supported P. R. said editorially:

> Ever since the election in November, there has been a great deal of dissatisfaction expressed with Ashtabula's present form of voting for the selection of council members. It is apparent that the will of the majority is not entirely attained by proportional voting. Ashtabula citizens want the city manager form of government to stay, but we are not so sure about proportional representation. If the present dissatisfaction ever crystallizes into definite activity, the proponents of the P. R. system might have difficulty in convincing the voters of Ashtabula that the system is best.

Several other events caused dissatisfaction with P. R. One of the outstanding candidates for council in 1927, Ned Richards, whom many persons thought to be the most capable candidate, was defeated. He was later appointed to fill the vacancy caused by the resignation of Wenner. One member of council was able to be elected by forming a small but loyal political club to support his candidacy. Many of the outstanding citizens were disgusted at the presence of several troublemakers in council, and some thought the presence of Corrado, later convicted of bootlegging, was a disgrace to the city. The chamber of commerce led a movement for a new charter. A representative and capable unofficial charter commission was created, containing several of the strongest supporters of P. R., as well as persons who were opposed to it. This charter committee held numerous sessions and prepared several amendments to be submitted to popular vote. One amendment did away with P. R. and provided for the election of the seven councilmen at large, without an elimination primary. Another increased the salary of councilmen, a third increased the term of office from two to four years with overlapping terms, and a fourth amendment provided that a manager could be discharged only after written charges were filed and an opportunity provided for a public hearing. The unofficial charter commission, with the exception of one member, joined in securing the necessary petitions to place the amendments on the ballot in the 1929 election, though the chairman of the commission and several other members were strong supporters of P. R.

The campaign which followed attracted little attention. The supporters of P. R. formed an organization and held a few public meetings, but the other side engaged in no campaigning. The party organizations took no part. The local newspaper, formerly a supporter of P. R., ran a series of editorials in which it supported all of the charter amendments, and opposed P. R. The writer was in the city a few days before the election, and was told by the editor of the paper, the secretary of the chamber of commerce, the leader of the Republican organization, as well as by several of the strongest friends of P. R. that the amendment would be voted down. It was pointed out that the Italians, Finns, and Swedes, would vote almost solidly against the amendment, which they interpreted as an attempt to prevent them from having representation on the council.

The amendment carried by a vote of 2639 to 1935. In the precincts with the largest numbers of foreign born the

vote was generally for P. R. In the two strongest Italian precincts, for example, the votes were 35 to 183 and 42 to 111 against the amendment. On the other hand, the precincts consisting largely of older American stock voted almost two to one for the amendment. The last council elected under P. R. in 1929 was an improvement over preceding councils. Two of the previous councilmen who had brought discredit to the system were not elected. One was in the federal penitentiary and could not make the race, while the other received a very light vote.

Proportional representation in Ashtabula has attracted few outstanding citizens to the council, though it should be pointed out that no civic organization has busied itself with getting good candidates to run. The council over the fifteen-year period has not worked well together. The manager has been made the football of politics during a great part of the period. The appointment of three managers, all local citizens, within the last three years has not added prestige to the council. Racial voting has been strong during the period, as was evidenced in the last election when the votes of Bernado, an Italian, were transferred. Out of 142 ballots transferred, 49 went to Candela and 55 to Paulino, other Italian candidates, while the other nine candidates still in the field received a total of only 38 votes. In a sense, the movement against P. R. which resulted in its overthrow may be attributed to a lack of tolerance on the part of the older American stock, who were bitterly opposed to several representatives of the foreign groups in council, and who attributed their presence to the election system.

CLEVELAND

Four times the voters of Cleveland have elected a city council under proportional representation, and four times they have voted to retain the system. However, the vote was close in each election, and it is generally believed that there is widespread dissatisfaction with P. R. In the last three referenda little attention was given to it, the fight centering around the manager plan and personalities. Only in the first referendum (1925) was the issue clean cut on P. R.[1] Two unofficial charter committees are at present considering changes in the charter, and it is quite probable that the matter will come up for vote again this fall. Heretofore the only alternative offered to the voters has been a return to the old ward council, with thirty-three members elected from as many wards. The Democratic and Republican political organizations have been usually lined up against the present charter, but on one occasion both organizations found themselves supporting it with the civic reformers and proportionalists. This was, however, a strange alliance dictated by the political exigencies. The continued and vigorous opposition of the party organizations to P. R. is perhaps the strongest argument in its favor.[2]

The adoption of the council-manager charter with proportional representation in 1921 came as a surprise to the party machines and to the city as a whole, despite the fact that the vote was 77,888 to 58,204. The new charter was opposed by two of the three leading newspapers. The party machines paid little attention to the matter. Professor A. R. Hatton, who drafted the charter, with a Campaign Committee of One Hundred, led the fight and secured

[1] In 1927 the Friebolin amendment would have abolished P. R. and let the rest of the charter stand, but the fight centered on the Davis amendment.

[2] The Democrats opposed the last attempt to overthrow the charter in 1929.

its adoption. The time was opportune, for a wave of opposition to the old party organizations marked the election. A mediocre independent candidate, who had no organization, no platform, and made no speeches, was elected to the mayoralty against the machine candidates.

FIRST ELECTION

The first election under the new charter came in 1923. It had been claimed that the new charter would sound the death knell of the political control by the bosses, would assure stronger candidates, more independence of councilmen, majority rule but minority representation, and would constitute a safeguard against racial and religious prejudices in the city government. The election attracted a great deal of attention throughout the country.[1] The city was divided into four districts for the election of the twenty-five members of the council. One district elected five members, another six, and two elected seven members. In three of these districts special committees were organized to bring out better candidates for the council, with some degree of success. The council was universally conceded to be the best which the city had elected for years.

The principal merit of the new council was the election of four outstanding independent candidates. The previous council had only two independents. These four consisted of Professor Hatton, the author of the charter; Peter Witt, traction commissioner under Mayor Baker, and an outstanding liberal; Miss Marie Wing, prominent social worker, secretary of the Consumers' League and former secretary of the Y. W. C. A.; and W. J. Kennedy, a Democrat who had been defeated by the Democratic organization in 1921. Of the remaining twenty-one councilmen elected, seventeen had been members of the preceding council. Fifteen were Republicans and six were Democrats. Each of the four districts elected both Republicans and Democrats, as well as one independent. The Republican organization maintained a comfortable majority, but nevertheless formed a working alliance with the Democrats.

While somewhat extravagant claims were made for the council, as a matter of fact, it was largely the old council still in the saddle. Though the four independent members constituted a valuable minority, most decisions were made by the joint Republican and Democratic caucus. Mr. William R. Hopkins, an outstanding local business man who knew politics as well as business, was selected as city manager. His administration during the following six years was marked by many major improvements in the administration of the city, but political spoils were not wholly removed from the city hall.[2] The new manager was able to get along with the Republican-Democratic machine. Large public improvements were undertaken and carried out. More street paving was laid, and at a lower cost; the streets were better cleaned; the work of all the departments was greatly improved. The general improvement in the management of public affairs was attested to by the fact that every member of the council running for reëlection in 1925, with the sole exception of Peter Witt, ran on a platform supporting Manager Hopkins.

[1] See Raymond Moley, "Proportional Representation in Cleveland," *Political Science Quarterly*, Dec., 1923; "America's Fifth City Tries P. R," *Proportional Representation Review*, Jan., 1924, and other articles.

[2] See a report by the Citizens' League in Cleveland, "Five Years of City Manager Government in Cleveland," Supplement, NATIONAL MUNICIPAL REVIEW, Mar., 1929.

The principal criticism of the first council was that it consisted of "yes men," dominated by the manager. No member of the majority group possessed strength enough to assume leadership, which therefore came from the outside—principally from Manager Hopkins and Maurice Maschke, the Republican boss.

REFERENDUM ELECTION OF 1925

Early in 1925 the Cuyahoga Club, a young men's Democratic organization, started a movement to repeal proportional representation. Petitions for a charter amendment to return to the old ward system of election were circulated. Both party organizations supported the amendment, and the date for the election was set for August 11. It was believed that many independent voters would be out of the city, and the election, being light, would be easily carried against P. R. Professor Hatton organized a Charter Defense Committee and almost single-handed defeated the combined organizations, at an election date of their choosing. The *Press*, which had given powerful support to the proposed charter four years before, campaigned in its defense, and the *Plain Dealer*, which had not been originally in favor of proportional representation, now came out against the amendment on the ground that the system should be given a fair trial before it was discarded. Edmund Vance Cooke, the Cleveland poet, paid his respects to Maurice Maschke, the Republican boss, and Burr Gongwer, Democratic boss, in a campaign ditty. The first verse follows:

"Two reasons there are for voting P. R.
As any good man will concur,
Two reasons resplendent against the amendment,
Which reasons are Mawruss and B-rr!"

The arguments used against P. R. included the following: (1) that it was a European importation which would destroy the tried and true two-party system of the United States; (2) that it was a Socialistic scheme; (3) that it was too complicated to understand and the average citizen did not know for whom his vote would be counted; and (4) that twelve of the old thirty-three wards were unrepresented. Since the new council contained only twenty-five members, it was inevitable that at least eight wards would have no resident members in the council. The principal argument advanced for P. R. was the fact that it was opposed by the two political machines.[1]

As the election approached it was predicted that 65,000 votes would be cast, and that the majority against P. R. would be two to one. Since the party machines could be relied upon to get out their vote, it was thought that the lighter the vote, the greater the majority against P. R. When the final vote was counted, only 41,271 persons had voted out of a total registration of 211,828. The vote stood 20,353 for the amendment to 20,918 against it. P. R. was saved against the joint opposition of two powerful political machines, and at an election at which the machines had every advantage.

SECOND P. R. ELECTION

The second P. R. election in 1925 was largely a repetition of the first. Twenty-two members of the outgoing council, including the four independents, were reëlected. Three candidates were defeated by other candidates of the same party. The line up still stood 15 Republicans, 6 Democrats and 4 independents. The vote cast was very light—only 108,167. This was

[1] For an account of the election, see Norman Shaw, "Cleveland's Proportional Representation Election," NATIONAL MUNICIPAL REVIEW, Oct., 1925.

the smallest vote cast in a municipal election since 1915, despite the growth in the city and the enfranchisement of women in the meantime. The councilmanic race was devoid of issues, charges, or striking personalities. Every member of council, except Peter Witt, endorsed the administration of Manager Hopkins, and the Republican organization put out an attractive pamphlet extolling the merits of the administration and taking the credit. The results of the election and the practical workings of P. R. were accurately stated in an editorial in the *Plain Dealer* shortly after the election, as follows:

When the first council was elected under P. R. two years ago it was generally agreed that the quality of the members-elect was rather higher than has obtained as a rule during recent administrations. The election of 1925 appears now neither to have improved nor weakened the council chosen in 1923. Of its twenty-five members, twenty-two were reëlected last week. . . . The party strength in the new council continues the same as in the present one. Republican control remains. The bi-partisan coalition is unshaken.

The merits of proportional representation, as shown by these two elections, appear to be at least three:

1. It affords the machinery by which each group in the community may get representation in the council to which its numerical strength entitles it.

2. It makes possible the election of at least a few outstanding independents, in spite of what the parties can do to defeat them.

3. It constitutes a policy of insurance against the destruction of the city manager plan by political forces which would prefer the restoration of the old elective mayoralty.

In at least three respects, also, it seems to the *Plain Dealer*, proportional representation has proved a disappointment after two thorough trials in Cleveland.

1. It has decreased the public interest in councilmanic elections and as a result reduced the total vote to an unhappily small minority of the community.

2. It has not been instrumental in getting any considerable number of men or women of outstanding merit to enter as candidates for council.

3. It has not shaken the control of party organizations. Republican domination continues. The old bi-partisan compact, based on division of spoils, remains in force.

By and large, it seems to the *Plain Dealer* that proportional representation is nothing more than an opportunity. It is the people behind it that count. It is a political implement. If the public neglect to use it for the public good the politicians will assuredly use it for their own.

There is needed in Cleveland, if proportional representation is to be retained indefinitely, a concerted independent citizens' movement dedicated to the task of getting strong candidates into the council race every two years and then helping to elect them. P. R. will not work of its own volition. Nor will the momentum of 1921's burst of enthusiasm keep it going much longer.

THE DAVIS CHARTER FIGHT

By 1927 the situation had changed. As was inevitable, considerable opposition had sprung up against the administration, and particularly against the manager, who two years previously had been so popular. Organized labor was dissatisfied because of the labor policy of the administration. Early in 1927, Harry L. Davis, former mayor of the city and ex-governor of the state, seized the opportunity to unite the various disgruntled elements of the population, and attempt to overthrow the Maschke control of the Republican machine and capture the city government. A new charter, providing for a return to the old ward council and the election of the manager by popular vote was prepared and petitions circulated to have it submitted to a popular vote during the summer of 1927. The petitions were filed with the board of elections. There they were held up on technicalities, and finally a test case was taken to the Supreme Court of the state to determine whether such petitions should be filed with the board of elections or with the council. The Supreme Court upheld the council's contention that

the petitions should be filed with it. Davis requested the election board to return his petitions so that he could then file them with the city council, but the board refused until it could secure legal advice. Months dragged along until it became impossible to secure a special election prior to the regular fall election. Serious defects in the Davis charter amendment were pointed out by the Citizens' League, and finally Davis decided to draw up a new charter and circulate petitions to have it placed upon the ballot at the regular election.

At the November election of 1927 no less than four separate charter proposals were submitted to a popular vote. The Davis amendment, referred to above, provided for a return to the mayor-council form of government, with 33 members of council elected by wards on a strict plurality basis, without a previous primary. It further provided that should it be adopted, the manager would go out of office within a week, and a special election be called to elect a mayor and council under the new charter. It was generally supposed that if the amendment passed, Davis would announce his candidacy for mayor.

Three other charter proposals were submitted to popular vote, two of which were designed to split the Davis vote. The Harris amendment was practically identical with the Davis proposal, except that it would have gone into effect two years later instead of almost immediately. It provided also for the election of councilmen by the old ward lines, but with the Bucklin system of preferential voting, which had previously prevailed. The Friebolin amendment would have returned to the old ward council with preferential voting, but retained the manager plan. The Citizens' League proposed the creation of a charter commission to make an orderly revision of the charter and to submit a new charter to a popular vote a year hence. With this proposal was included a slate of candidates for the proposed charter commission, to be voted upon in addition to the charter proposals and the candidates for the council. To add to the confusion, the Davis amendment and the Harris amendment were placed upon separate ballots so nearly identical in size and type, and without any label whatever, that the Davis amendment voter had to be schooled to look for the figure "201" in line twelve and vote yes for this proposal and no on the others.

The bitter campaign which took place rocked the city. The forces of civic righteousness joined hands with the two political machines to defeat the Davis charter. In the Republican party it was a battle for control. The leaders of the party were bitterly opposed to P. R. and to the manager plan, but were forced to support them in this election, because it was believed that a victory by Harry L. Davis would place him in control of the Republican organization. The Democratic machine came to the rescue of its friendly enemy, the Republican machine. The proportionalists joined forces with these allies to save P. R., and the Citizens' League gave its support to save the manager plan.

Davis was at once the strength and weakness of his cause: strength because of his personal popularity with large groups of voters and his ability to unite the various disgruntled elements of society; weakness because of his past record and the bitter opposition to him by what turned out to be a majority of the voters. He was able, however, to take over parts of the Republican machine and to secure the support of a large part of organized labor. As the campaign went along it became more and more a fight over organized labor.

City Manager Hopkins had failed to carry into effect certain municipal ordinances requiring the use of union labor and fixing a minimum wage, and had thereby incurred the bitter hostility of organized labor. Labor looked upon the fight as one to get rid of Hopkins, while the business interests contributed heavily to the other side.

A more confusing election would be hard to imagine. Two of the four amendments were practically identical, not only in substance, but the ballots were almost indistinguishable. The issues, however, were strictly subordinated to personalities. Harry L. Davis occupied the center of the stage. He held numerous public meetings with wildly enthusiastic audiences. The newspapers gave him generous publicity. His platform, stated broadly, was to restore the government to the people. Greatest emphasis was laid upon the city manager plan and Manager Hopkins, but proportional representation came in for denunciation also.

The allied forces opposed to the Davis amendment centered their attack upon Davis personally and his past record as mayor of the city. They insisted that the amendment was designed to restore him rather than the people to political power. In particular, they criticized the undue haste with which the new charter was to go into effect and laid it to the political aspirations of Davis. The proposed charter gave large powers to the mayor over appointments and purchases. One of the speakers opposed to the Davis amendment read its provisions concerning the powers of the mayor to his audiences, inserting as an aside after the word mayor,—"that means Davis."

City Manager Hopkins and Maurice Maschke, the Republican boss, were both drawn into the campaign. The Davis forces capitalized the growing unpopularity of the manager, as well as the old resentment against the Republican machine and its leader. Hopkins replied with effective speeches in defense of his administration, reviewing it and making comparison with previous administrations. His vigorous defense of the manager plan and his administration added great strength to the allies, and drew considerable financial support.

The vote was close, but the Davis amendment was lost by a vote of 80,148 to 73,732. The other charter proposals were voted down by a larger vote, but as the campaign drew to a close, the fight centered on the Davis amendment. Davis charged that serious frauds had been committed in the election, and that his amendment had carried, but had been counted out. Immediately a movement was started to submit the question again to a popular vote at a special election. The closeness of the vote and the showing which the Davis amendment had made against the combined party machines and the civic organizations indicated that there was considerable dissatisfaction with the charter and with the administration. Part of this, no doubt, had been brought about by the obstructionist tactics of the council and the board of elections in attempting to prevent the matter from coming to a vote, as well as resentment at the introduction of other charter proposals to confuse the issue.[1]

THE ELECTION OF 1927

The councilmanic election of 1927 was largely overshadowed by the charter amendment fight. The total vote cast was 163,901, a large increase over the two preceding elections. The

[1] For an account of the charter campaign, see Earl L. Shoup, "The Manager Plan in Cleveland," *American Political Science Review*, May, 1928, 372–377.

election resulted again in the Republican organization securing fifteen members of council. The Democrats increased from six to eight members, and two members were elected without party endorsement. The new council contained only one of the original four militant independents. Dr. Hatton had accepted a position in Northwestern University at Evanston, and was not a candidate. Peter Witt refused to run, and Miss Wing was defeated. Mrs. Helen Green, twice elected with Republican backing, but with considerable independent support, was also defeated. The two independents in council, W. J. Kennedy of the original four, and Claybourne George, as well as the semi-independents, were welcomed into the party folds, and the bi-partisan combine functioned perfectly during the first year of the term. At the time it was said that there was no longer any minority whatever in council, and many well-informed persons began to despair of P. R. as a method of electing the council. The 1927–1929 council was a distinct disappointment to the friends of good government and the advocates of P. R.

Two other outstanding facts marked the 1927 election, namely: first, the election of three Negro members of the council for the first time in the history of the city; and second, the absence of a Polish representative. One of the Negro members had served in the council prior to the adoption of proportional representation, and was a staunch supporter of the Republican machine; the other two members were elected by independent votes. A bitter fight in the second district between two leading Polish candidates prevented the election of either.

THE 1928 REFERENDUM

Immediately following the November election the Davis forces announced that the charter amendment, with a few minor revisions, would be pressed, and an attempt made to submit it to a popular vote in April of 1928. On January 12, however, a substantially altered charter amendment was made public. The amendment, if adopted, would not go into effect until January 1, 1930, and the provisions concerning purchases and contracts were altered to meet some of the bitterest attacks made in the previous campaign. In the meantime, Davis had made peace with Maschke, who followed with a statement that inasmuch as the most objectionable features of the proposed amendment had been eliminated, he would withdraw from active opposition and adopt a policy of neutrality. It was generally supposed that Maschke had agreed to keep hands off the charter fight with an understanding that Davis would keep out of the presidential primary fight between Hoover and Willis, with Maschke actively supporting the former.

The April referendum upon the revised Davis charter proposal was a great contrast to the previous charter campaign. Only one proposal was submitted to the voters. The party organizations adopted a neutral position, and the campaign was hushed up as much as possible by the Republican machine. City Manager Hopkins had made peace with organized labor, which now withdrew from the battle. Hopkins himself took no part in the campaign, and the newspapers even refrained from heaping abuse upon Davis and his record. The campaign was a quiet one. The newspapers gave little publicity to the Davis meetings, which were attended by only a handful of voters and workers. The charges which Davis made were all "old stuff," and could not command a place on the front page. Davis complained to the reporters that the policy of silence on

the part of the press was proving his undoing. The ward organizations were left free to follow their own inclinations in the election, and some of them which cast a large vote against the amendment in the fall now turned around and ran up a large vote for it.

The Cleveland League of Women Voters came to the rescue of the charter. At first an effort was made to effect a consolidation of all the civic organizations in a charter defense campaign. This falling through, the League of Women Voters assumed the responsibility for the defense campaign alone, and waged a quiet, but effective fight. Twenty-five wards were organized with precinct workers who made a house-to-house canvass to get out the vote against the charter amendment. The Citizens' League issued two bulletins, pointing out glaring defects in the proposed charter, aside from the abolition of P. R. and the manager plan. It also brought out evidence of wholesale frauds in the Davis petitions which had been submitted, many of the names being forgeries. Many of the members of the council who had found it easy to be reëlected under P. R. were active in their support of the system. Their position, stated generally, was that P. R. was fair and greatly increased the freedom of members of the council from machine control. Again the vote was close: 44,122 against the amendment to 40,890 for it. For a little while, but only a little while, the issue was settled.

CITY HALL SCANDALS

Following the primary election in August, 1928, the Cleveland Bar Association called upon the governor of the state and the attorney general to conduct an investigation of charges of election frauds in Cleveland. The attorney general conducted such an investigation and convened a special grand jury, which demanded the immediate ousting of the entire election board (with the exception of one member) and also the clerk and deputy clerk. This was done and an entirely new board appointed only a few days before the presidential election of 1928. During 1929 a number of indictments of precinct election officials were made and several convictions secured.

At the general election of 1928 the Democratic candidate for county prosecutor, Ray Miller, was elected. Upon his entry into office he undertook to prosecute vigorously charges of fraud in the city council. The first conviction was that of a veteran Republican council member for soliciting and accepting a bribe, in connection with a disability payment to a policeman injured in line of duty. This was a petty case in comparison with the land scandals soon to be brought to light. The chairman of the finance committee was convicted of pocketing some $33,000 in a land deal involving $83,000. Two other councilmen and the city clerk were indicted, but were acquitted or the case dismissed.[1] The investigation of land scandals in the council was headed by an independent Democrat, Dr. Walz, who, coming from a strong Republican district, owed his election to P. R. W. J. Kennedy, another independent who owed his election to P. R., introduced a resolution to make a special investigation of the civil service administration, and was made chairman of the special committee.

1929 REFERENDUM

These scandals in the city hall received wide publicity, and it was under these circumstances that the movement for a new charter was again revived.

[1] See Doris Darmstadter, "The Cleveland Charter Threatened Again," *American Political Science Review*, Aug., 1929, 732–735.

This time the original movers came from the camp of supporters of Peter Witt, but the amendment was soon taken over by Harry L. Davis, and was dubbed the "Three D" charter, because its three principal sponsors were Davis, Saul S. Danceau and Edward T. Downer. The proposed charter provided for a council of 33, elected by wards, and a return to the elected mayor in the place of the manager. The election was set for August 20, 1929. The line-up in this election was different from that of any preceding referendum vote on P. R. and the manager system. The Davis forces were joined by the regular Republican organization, though Maschke purposely left the city before the election. Some of the followers of Peter Witt led the movement, though Witt himself refused to support it. The Democratic organization, led by Burr Gongwer and Mrs. Bernice S. Pyke, actively opposed the amendment. The League of Women Voters, the Citizens' League, and other civic organizations joined forces to defeat the proposed amendment, and a Progressive Government Committee was formed to protect the charter against its enemies and to clean up the council. This organization was adequately financed, and a vigorous campaign was waged. The expenditures of the combined forces opposing the charter amendment, as officially reported, totaled $70,000. For the first time probably in years, the Republican organization found its opponents with larger sums of money to carry on the campaign.

The campaign centered on the issue of the city manager plan, and little attention was paid to P. R. Even the *News*, persistent and bitter enemy of P. R., came out against the "Three D" charter with a statement that it would set the city back ten years.[1] The *Plain Dealer* and the *Press* vigorously opposed the amendment. Again the vote was close: 47,134 for the amendment to 50,138 against it.

[1] *News*, Aug. 6, 1929. Editorial.

1929 ELECTION

The councilmanic election in 1929 was by all odds the most significant P. R. election yet held in Cleveland.[2] Its results should do much to strengthen the position of P. R. and to win over former opponents. "The council as a whole is easily the best ever elected," wrote Philip H. Porter, political writer of the Cleveland *Plain Dealer*.[3] Nine former council members of the Republican organization failed of reëlection, or declined to run, and these, generally speaking, were the most discredited members of the previous council.

The Progressive Government (P. G.) Committee, formed during the charter campaign in the summer, took an active part. A fusion was made with the Democrats, though the P. G. slate and the Democratic slate were not identical in any one of the four districts. The P. G. Committee recommended a slate of 25 candidates and the Democrats endorsed 22. Two candidates, Marshall and Michell, were endorsed by both the P. G. Committee and the Republican organization, while one independent Republican was endorsed by the Democrats. In addition to these overlapping slates, several candidates supported by Peter Witt, popular independent leader, attacked Manager Hopkins very bitterly, but also assailed both party organizations and the P. G. Committee. The various newspapers each endorsed a list of candidates from the various party

[2] For accounts of this election, see Randolph O. Huus, "Cleveland Elects Promising Council," National Municipal Review, Dec., 1929, 786–787; and *Proportional Representation Review*, January, 1930.

[3] Nov. 10, 1929.

slates, and the Citizens' League issued its statement, placing some candidates on a preferred list and others on a qualified list. Dr. W. F. Walz ran without the endorsement of any party, and polled the highest vote received by any candidate. Numerous other candidates ran, but failed of election.

Under these circumstances, with at least four distinct groups or parties in the field, the election was undoubtedly confusing. The principal issue of the opponents of the dominant Republican organization was corruption in office, and the Maschke machine. The Republican organization purged its slate of the discredited members and put out a better slate of candidates than in previous elections. The P. G. Committee and the Democrats together drafted a number of candidates of outstanding qualifications who were elected. In this list would be included Susan M. Rebhan, former national secretary of the Y. W. C. A., former vice-president of the Ohio League of Women Voters, and an able attorney; George W. Furth, prominent attorney; Conrad Krueck, prominent business man; and Joseph Trinastic, assistant director of the Citizens' Bureau.

The result of the election was that the Republican organization captured 13 out of 25 places in council, but two of these were candidates jointly endorsed by the P. G. Committee. The Democrats and P. G. Committee together elected 11 members, not counting the two Republicans endorsed by the P. G. Committee. Dr. W. F. Walz was elected without endorsement of either slate. Fourteen members of the previous council were reëlected with 11 new members. Of the three Negro members of the previous council, only one, Claybourne George, was reëlected, but two other Negroes, Dr. Bundy, a dentist, and Lawrence O. Payne, an attorney with the endorsement of the Citizens' League, were elected. A number of councilmen with mediocre records, who had never done anything in council and were regarded as "yes men," failed of reëlection. Philip H. Porter wrote in the *Plain Dealer:*

> The yes-men and colorless rubber stamps are slowly but surely being weeded out. For a councilman to keep his seat it is becoming increasingly necessary that he be somebody and do something except sit there in the chamber and keep his desk from falling over.[1]

Corruption in government, graft and scandals, constituted the principal issues of the campaign, but the Republican organization very astutely shifted the issue as much as possible to City Manager Hopkins, and alleged that the P. G. Committee was designed solely to continue Manager Hopkins in office. The leaders of the P. G. Committee replied that they were interested in securing a strong council and perpetuating the manager plan, and that Hopkins was not an issue. The committee, however, had refused to endorse several strong anti-Hopkins candidates, and was jockeyed into the position of defending him. The Democrats avoided this issue as much as possible, but refused to endorse Dr. Walz because of his opposition to Manager Hopkins.

DISMISSAL OF MANAGER HOPKINS[2]

The first show of strength came with the motion to dismiss Manager Hopkins. The Maschke forces in order to carry the motion through had to hold in line the entire thirteen councilmen elected with Republican endorsement, or else recruit strength from the

[1] Nov. 10, 1929.

[2] See Randolph O. Huus, "Cleveland Council Removes City Manager Hopkins" and George H. Hallett, Jr., "The New Administration in Cleveland," NATIONAL MUNICIPAL REVIEW, March, 1930.

outside. Mayor Marshall refused to go along, but Dr. Walz and one Democratic member voted with the Republicans, and Hopkins was dismissed by a vote of 14 to 11. The removal of Hopkins, which had been foreseen, was due to his break with the Maschke machine, caused by his increasing independence.

State Senator D. E. Morgan, an outstanding local attorney of high reputation, but without much training and experience in municipal administration, was chosen to take his place. The new administration bids fair to accomplish much, though political spoils and patronage are still present. The grip of the Republican machine has been broken, though it still retains a nominal majority in council.

In the meantime the Citizens' League has set up an unofficial charter committee to consider changes in the charter. The principal consideration before the committee is proportional representation. What action it will take is very uncertain, for it is known that the committee is divided on the question. While it is believed that proportional representation is generally unpopular with the rank and file of voters, a return to the ward system is not looked upon with favor, nor is the at-large or block system of election suited to the political conditions of Cleveland.

SUMMARY

Proportional representation has not been a marked success in Cleveland, but it has probably worked better than any other system would have worked under the same circumstances. It has operated under decided handicaps. The council is too large to attract the best citizens. The division into four districts has been a confusing element in elections, preventing effective publicity throughout the city and making it difficult for a nonpartisan civic organization, such as the Charter Committee of Cincinnati, to operate. The election of 25 members, even though divided into districts, has encouraged voting along racial lines. Proportional representation has not automatically freed the city from the domination by party machines. During three terms the power of the Republican machine was practically unabated. At present it has a bare majority, but on account of the scandals in the city hall, the retention of a clear majority in the last election was a notable success for the organization. However, under the ward or block system of electing the council, with the opposition divided, the Republican organization might have easily elected an overwhelming majority.

The quality of the council has not been extraordinarily high, despite the flattering remarks which were made about the original council under P. R. This is evidenced by the lack of leadership in council, which has been dominated by the manager during the past six years. The principal criticism of P. R. has been that it has made little difference in the character of the council. The present council, however, is a decided improvement over its predecessor, and would compare very favorably with the city councils of other large cities in the country. With the formation of the Progressive Government Committee, a nonpartisan organization to draft capable candidates, the prospect is decidedly better for the future. Good candidates simply will not run in a large city if they have to announce their own candidacy and wage their own campaign, or dicker with the party organizations. The showing made by the P. G. candidates in the last election will make it easier to draft capable candidates in the future.

Cleveland, like many other American cities, is weakened in its political life by the large number of outstanding citizens who have moved to the high-class residential suburbs. The persons who have been most active in Cleveland politics, aside from the candidates themselves, are not residents of the city. It is asserted that at present not a single member of the executive committee of the Bar Association is a resident of the city. Perhaps more than any other large American city, Cleveland is suffering from emigration of its best citizens, who should afford the political leadership of the community. This obviously greatly increases the difficulty of getting capable candidates to run for council, and no electoral system, however perfect, can do better than to elect to office the best candidates who offer themselves.

The experience of Cleveland clearly proves that a system of four districts in connection with proportional representation, instead of election at large from the entire city, is undesirable. It makes it more difficult to focus publicity upon the campaign, more difficult for civic organizations to function effectively, and increases greatly the opportunity for racial and ward voting. A much smaller council, say of nine members, elected at large by proportional representation, would result in a better all-around council and decrease racial voting and ward politics.

CINCINNATI

Cincinnati proudly claims that under its city-manager, proportional-representation charter it has changed from the worst-governed large city in this country in 1925 to the best governed large city in 1930. This is not an idle boast. It is generally agreed upon by the students of municipal government throughout the country, who have followed with interest and amazement the revolution in municipal affairs in Cincinnati during the past four years. The new charter has been successful beyond the dreams of its authors, and the municipal government of Cincinnati is deservedly a model and a source of inspiration for cities still under the domination of machine rule and political administration.

Proportional representation under the new charter has been an unqualified success. It has done all that its proponents claimed for it and more. It has worked out mathematically accurately in every election, awarding to each group its due representation, and permitting the voters of the group to choose their own representatives. When proportional representation was first advocated in Cincinnati the principal argument for it was that it would give the minority of independent voters representation in the council. Some of the proportionalists pointed out to Murray Seasongood (later mayor) that he would make an ideal, fighting minority member of council. The actual result for three elections has been that the independent voters, organized under P. R. into a Charter Committee, instead of being the minority, have become the majority. The Republican machine, which in 1925 had 31 out of the 32 members of council, has never been able to command more than approximately one third of the total vote cast, and has, consequently, secured only three members out of the present council of nine. The so-called Republican majority, which had dominated city politics practically without interruption for forty years, turned out to be actually a minority. In all probability this has been the case for years, for the control of the Republican primary requires only a minority, which has been furnished by the army of political workers, employed in the county or

city service.[1] The voters heretofore have seldom had any real alternative to express their dissatisfaction with the Republican rule. When the party became discredited from time to time, the leaders would place on the ballot or on advisory committees a few persons of prominence who were willing to help bolster up the standing of the party, without taking any real part in the government of the city. Such, indeed, has been and is still the history of politics in many American cities.

ADOPTION OF P. R.

The government of the city of Cincinnati in 1923 became practically bankrupt. Under state law additional tax levies and bond issues had to be voted upon by the people, and the public, having lost confidence in its government, controlled by the Hynicka Republican machine, refused consistently to approve additional tax levies or bond issues. The city hospital had to be taken over by the county, on account of lack of funds, and every municipal department had its work seriously curtailed. The streets were in disrepair, the members of the police and fire departments, seriously underpaid, were forced to take a month's leave of absence without pay, parks and playgrounds were slighted, and the social service work of the city neglected. Something had to be done to restore the confidence of the people in their government. The Republican organization appointed a Citizens' Survey Committee to examine in detail the workings of the city and county government and to make recommendations. This committee in turn employed Dr. Lent D. Upson of the Detroit Bureau of Governmental Research, with a staff of expert investigators, to make such a survey. The result was the famous Upson report,[2] which paved the way for a new day in municipal affairs. A new charter, providing for a council of nine members, elected every two years by proportional representation, and a city manager, was submitted to popular vote at the November election of 1924, and adopted by a vote of 92,510 for to 41,105 against. The campaign for the charter was conducted by a City Charter Committee, of which Mr. Henry Bentley was chairman. A ward and precinct organization was effected, making use of public-spirited men and women who volunteered their services. The thoroughness of their work is indicated by the vote upon the charter proposal. Two other charter proposals were submitted by the council, to divide the vote, one for a council of nine members elected at large, and another for a council of nine members elected by districts. Neither proposal received 20,000 votes, out of a total vote of over 130,000.

THE FIRST ELECTION

As the first election in 1925 approached it became apparent that prospective independent candidates, fearing the strength of the Republican organization, would not stand for election without the assurance of some organized support. The Charter Committee decided to put a slate of candidates in the field and appointed a nominating committee. Considerable discussion arose as to the number of candidates who should be offered, and the decision was finally reached that a full slate of nine, representative of all important groups, should be nominated, for under P. R. each candidate should lend strength to the ticket. The nominating committee selected nine outstanding citizens to run, six of

[1] See Henry Bentley, "Cincinnati's Right About Face in Government," NATIONAL MUNICIPAL REVIEW, Aug., 1926.

[2] Lent D. Upson, *The Government of Cincinnati and Hamilton County* (Cincinnati, 1924).

whom were independent Republicans, and three were Democrats acceptable to the Democratic organization. Before the nominations were announced, however, care was taken to prevent the Republican organization from endorsing one or two Charter candidates, thus confusing the issue and later, perhaps, claiming victory because of the election of such candidates. Each candidate was pledged to support the entire charter slate and to circulate with any literature which he might put out, a uniform card printed by the Charter committee, asking for support of the entire slate.

The Republican organization was obviously puzzled to know what tactics to adopt to win the election. Not understanding the fundamentals of P. R., it decided to put only six candidates in the field, and to assign each to a particular district. It was believed that this arrangement would permit the organization to beat the system. The candidates were also assigned in pairs, each candidate being instructed to solicit second-choice votes for the candidate with whom he was paired. As the campaign progressed, this led to a great deal of friction. Dissension broke out within the ranks, for certain candidates thought they were being double crossed, and others believed that they were assigned to difficult districts. Then, too, many voters resented being told in what order to vote, and this lost votes. The assignment was unhappy in several instances. For example, Adolph Kummer, President of the Central Labor Union, was assigned to a district which contained some of the wealthiest residential sections of the city. The favored organization candidates were assigned to the Republican strongholds.

The Charter Committee followed a different policy. Each candidate was left free to gather votes wherever he had strength, and the voters were urged to cast their other choices for members of the Charter ticket, but were not instructed in what order to vote. The campaign was harmoniously conducted, with a minimum of friction between the various candidates.

The position of the newspapers in the campaign was of great significance. It was obvious that no slate would capture the entire membership in council. While the *Post*, which had campaigned vigorously for the new charter, endorsed the entire Charter ticket, the *Enquirer*, *Times-Star*, and the *Commercial Tribune* each endorsed a mixed ticket of its own choosing. Under any other form of election, it would have been highly probable that the newspapers would have taken a definite stand on one side or the other, and endorsed the entire slate, but under P. R. it became necessary for even the organization newspaper to endorse certain candidates on the other side. This stimulated consideration of the individual merits of the candidates of both groups, and greatly facilitated intelligent voting.

The Charter Committee ticket polled a total vote of 76,000 first choice votes, and elected six members to council; the Republican organization received 33,000 votes, and elected three members; while about 10,000 votes were scattered among other candidates, and were quickly transferred to the candidates on one of the two tickets. Only one member of the outgoing council was reëlected, Charles O. Rose, an independent Republican endorsed by the Charter Committee. Three other councilmen, out of the total of thirty-two, ran, but were defeated. This indicates better than any other fact the revolution which took place in the membership of the council. Outstanding men like Murray Seasongood, Edward T. Dixon, Tyler Field, and

Stanley Matthews, who would not have considered running for council under the old regime, were elected on the Charter ticket. On the other hand, the Republican candidates elected to council were strictly organization men, and in no way outstanding in their qualifications. They would have been perfectly at home in the previous council.[1]

An analysis of the election made by Robert P. Goldman of Cincinnati shows conclusively that race and religion played only a very minor rôle. When the surplus ballots of Murray Seasongood, a Jew, were transferred, only 2 per cent went to other Jewish candidates. Of the surplus ballots of Dixon, a Democratic Catholic on the Charter ticket, 30 per cent went to another Democratic Catholic on the same ticket, while only 8 per cent went to a Catholic on the Republican ticket, and 60 per cent went to non-Catholics. The Negro voters in 1925 voted for the regular Republican organization candidates rather than for independent Negro candidates.

THE COUNCIL AND THE MANAGER

When the new council organized, Murray Seasongood, who had been a leader in the charter fight, and who polled second highest vote, was elected mayor. Judge Dixon, who polled the highest vote, graciously stepped aside. Mayor Seasongood assumed the rôle of leader, but not dictator, in council, and gave to the city a type of courageous and statesmanlike leadership rarely seen in municipal government in this country. He acted as a buffer for the manager and relieved him of many embarrassing situations. He personified the fight for honest and efficient government, and did not hesitate to incur enmities when such were necessary for the welfare of the city. Two years later he led the poll with a vote double the quota—an extraordinary record under P. R. Other members of council afforded leadership upon other lines, less dramatic, but no less essential. Councilman Rose was the best versed man in the city on public finance, and was made chairman of the finance committee, while Tyler Field was influential in public improvements.

The council selected Colonel Clarence O. Sherrill, formerly director of public buildings and public parks of Washington, D. C., as city manager. To say that he has been a highly successful manager is putting it very mildly. He has not attempted to dictate the policies of the city government and has not dipped into politics, but his administration has been marked by efficiency, large public economies, farsighted planning, and the successful carrying out of many public improvements, including city planning, street widening, and paving. No wholesale removals were made when he came into office. The city employees were given to understand that they could remain if they were qualified and would show their worth. His outstanding success as the chief executive of the city has lent a great deal of strength to the Charter Committee, though in the elections of 1927 and 1929 the Republican organization professed its support of him.

1927 ELECTION

The second election under P. R., coming in 1927, was largely a repetition of the first one. Seven of the nine councilmen were reëlected. Luchsinger, a Charter councilman, did not run for reëlection, and his place was taken by Charles Eisen, vice-president of a leading bank; while on the Republican ticket, Councilman Lackmann was defeated by Judge Yeatman, an

[1] For a detailed account of the election, see: "The First P. R. Election in Cincinnati," *Proportional Representation Review*, Jan., 1926.

organization Republican, but running without organization support. Two Charter candidates were endorsed by the Republican organization, but this endorsement proved to be a handicap rather than a help, and they nearly failed of reëlection. The Republican slate this time was adorned by the presence of three prominent citizens who two years previously were supporters of the Charter ticket. These candidates, however, made a miserable showing, for the regular organization voter preferred to cast his ballot for the strictly machine candidates, and the independent voter was not attracted to the Republican slate. The Republican tactics of window-dressing the ticket by including a few prominent citizens, whom the organization gave no real support, did not fool the public. The two Democratic Charter councilmen were reëlected, and the council still stood six Charter members to three Republican members. The movement for good government had weathered the first election after going into office.

1929 ELECTION

The real test of the Charter Committee came in 1929. Four of the six Charter members of council, Seasongood, Dixon, Field and Eisen, declined to run again. Seasongood, Dixon and Field were the best vote-getters of the Charter candidates in previous elections. Many persons believed that their retirement would mean defeat for the Charter ticket. The Charter Committee put into the field a slate of nine persons, six of whom had never been candidates for public office before. They were opposed by the strongest Republican ticket, from the standpoint of vote-getting, which had run up until this time. Eight of the nine Republican candidates had held public office. Two were prominent business men, but, as was the case two years before, they ran poorly, the organization throwing its strength to favored candidates.

The Republican organization made a strenuous effort to recapture the city government. County employees were called upon to contribute to the campaign, and the forces were rallied under the slogan of Republicanism. "Party Responsibility" was the battle cry of the campaign. The voters were pleaded with to vote for the Republican candidates in order to save the Republican party in the state and in the nation. The Charter candidates, because of the fusion with the Democratic organization, were called "Charter Democrats." The Charter ticket was helped by the fact that the Negro voters became dissatisfied at the refusal of the Republican organization to put a colored man on the ticket, and largely supported two independent Negro candidates, voting a first and second choice for them and then stopping. When Conrad, one of the Negro candidates, was eliminated, 853 votes out of a total of 1,138 transferred votes went to Hall, the other Negro candidate. When Hall was eliminated he had a total vote of 8,099 votes. Of this number, 4,450 could not be transferred because the choices were exhausted. Of the 3,649 that were transferred, 2,346 went to Republican candidates, and 1,303 to Charter candidates.

The election for the third time resulted in the Charter ticket capturing six places, to three for the Republican organization. While the count was nearing its end, many of the Republican bolivars (as ward heelers are called in Cincinnati) shook their heads in despair. It seemed that there was something mystical about P. R. which decreed that the machine could never get more than three out of the nine places. The results of the election were as follows:

Party	First Choice Votes	Per Cent	Number of Councilmen Elected
Charter	78,753	56.8	6
Republican	50,923	36.7	3
Independents ..	9,080	6.5	0
Totals.....	138,756	100.0	9

It will be seen that each group secured the number of councilmen which it was entitled to, as nearly as mathematically possible. Aside from the two Negro candidates, who received a large racial vote, the vote received by the independents was negligible. The other four independents received only a total of 1,120 votes. Of the six Charter candidates elected, three had been endorsed by the Democratic organization. Heretofore only two Charter Democrats had been elected. Two outstanding events marked the election: first, the heavy vote polled by Russell Wilson, a former newspaper editor upon whose shoulders has fallen the mantle of Murray Seasongood; and second, the election of Julian A. Pollak, prominent business man and multi-millionaire, who stood twelfth on first-choice votes.

SUMMARY

Proportional representation has been a striking success in Cincinnati. It has made possible the successful organization of the City Charter Committee, composed of independent citizens interested in securing good government. This civic group (sometimes called a municipal party), formed originally to secure the adoption of the charter, has continued to wage the fight for a good council. It has no policies or principles, other than the selection of outstanding candidates and waging the campaign for them. It does not issue any platform in a city election. The leaders of the organization point with pride to the fact that no attempt is made to influence their members in council, or to secure favors for their friends. The volunteers who work for the Charter committee are unpaid and expect no political reward. Yet in the last campaign more than 5,000 men and women volunteered their services, canvassed their block or precinct, manned the polls as watchers or challengers, and got out the vote. The Charter Committee opens up a way for the average citizen, independent of party control, to take a dignified and useful part in politics, beside that of merely voting. So far the campaigns have been made dramatic and interesting to the rank and file of voters. They have been well handled, and the loyalty of the majority of citizens of Cincinnati to the Charter Committee at the present time exceeds their loyalty to any party organization.

The Charter Committee has operated upon the fundamental principle that capable candidates will not run for office unless they are drafted, and they cannot be drafted unless the office is attractive and they are freed from the embarrassment of waging their own campaign and soliciting votes. The whole campaign is conducted on a dignified plane. When public meetings are to be held, the committee arranges for it, attends to the entertainment, the publicity, and sees to it that the candidate is presented in a favorable manner. As a result, the Charter candidates have been uniformly persons of high standing in the community.

The question may be raised whether the Charter Committee, rather than P. R., is not really the cause for the success of the new charter. In the opinion of the leaders of the Charter Committee, both factors have been essential. P. R. has guaranteed to each group representation in the council

according to its strength. An independent organization can feel sure of securing some representation in council, though it may be only a minority. P. R. has made it possible to draft outstanding candidates to run for the council, and has made it impossible for any party to smear the issue by putting up a slate of machine candidates with one or two notables to camouflage the ticket.

The control of politics in Cincinnati prior to the adoption of the new charter was easy for the Republican machine, for the real test came in the primary, when the vote was light, and the army of public employees and their families could swing the election. P. R. has the effect of forcing every voter who would participate in the election to vote also in the primary, for the primary and final election are combined in one. The independent voter who formerly stayed at home on primary days now makes his vote count. Formerly the party organizations had a monopoly upon nominations—the entrance to public office. P. R. takes this monopoly away from them. It is extremely significant that while the Republican machine is discredited and distinctly in the minority in Cincinnati, it still controls the county where the Republican primary is the real election. The civic reformers have attempted with little success to invade the Republican primary in county elections.

BOULDER, COLORADO

The city of Boulder, Colorado, adopted a city manager charter with proportional representation for the election of the council, under the state home rule amendment, in 1917. The charter provided for a council of nine members, with a term of six years, three members coming up for election every two years. It has been pointed out that this unusual arrangement for P. R., with only three members elected at a time, limits the application of the principles of the system, and that continuity in office can be secured without overlapping terms.[1] The city of Boulder, however, is a very homogenous community, containing practically no foreign born, and this limitation upon the principles of P. R. has probably made little difference in actual operation. Boulder had a population of 11,006 in 1920, and is the home of the state university. It has no industries worthy of note, but because of its beautiful setting at the foot of the Rockies, high altitude and equable climate, is an important resort and tourist center. The shift in population from year to year is probably quite high.

The experience of Boulder with P. R. is not particularly significant.[2] The councils elected in the twelve years of P. R. have been entirely satisfactory, consisting for the most part of prominent business, professional, and university men and women, but persons of this kind were elected to council prior to the adoption of P. R. Competent observers informed the writer during a visit to Boulder that P. R. had made little if any difference in the personnel of the council. The people are well satisfied with the system, and have voted twice by very large majorities to retain the city manager charter and P. R., but it must be noted that in each of these elections the popularity of the manager plan was an important factor. The first referendum vote in 1923 resulted in 2,730 to 1,340 for P. R., while the second vote in 1925 was 1,709 to

[1] Hoag and Hallett, *Proportional Representation*, p. 201.

[2] The best account of P. R. in Boulder is by Professor Arnold J. Lien, "Eight Years of Proportional Representation in Boulder, Colorado," *Washington University Studies*, Vol. XIII, 247–266, Oct., 1925.

1,284 in favor of P. R. The system has come to be taken for granted, and there is little discussion or sentiment upon it, pro or con. There are, to be sure, a few persons who object to it because of its complexity and because of the number of ballots which have been blank or invalid.

The most significant feature of the practical workings of P. R. in Boulder has been the high percentage of blank or invalid ballots. The following table gives the experience since P. R. was adopted:[1]

Election	Total Ballots	Invalid and Blank Ballots	Per Cent Invalid
1917	859	177	20.6
1919	1,165	275	23.6
1921	838	73	8.7
1923	1,995	378	18.9
1925	3,049	608	19.9
1927	2,300	154	6.7
1929	2,957	811	27.4
Totals	13,152	2,476	18.8

It seems almost incredible that 811 ballots out of a total of 2,957 ballots cast in the last election, after the system has been in use for twelve years, should be invalid or blank. This may be explained in part by the transient character of the population, Boulder being a university town and health resort. If the cause is unfamiliarity with the use of numbers instead of cross marks, this could be easily remedied by printing on each official ballot at the top a sample ballot marked with numbers. The more plausible explanation, however, is that most of these ballots were blank, many persons voting upon referendum propositions and not being interested in the municipal election. In 1923, 1925, and 1929, referendum proposals aroused a great deal of interest.

[1] The statistics up until 1925 were taken from an article by Professor Rodney L. Mott, "Invalid Ballots under the Hare System of Proportional Representation," *American Political Science Review*, Nov., 1926. The statistics for 1927 and 1929 were supplied by the Proportional Representation League.

HAMILTON, OHIO

Hamilton, Ohio, a city of approximately 50,000 population, twenty-five miles northwest of Cincinnati, following the lead of Cincinnati, adopted a city-manager, proportional-representation charter in 1926. The first election was held in 1927. The Charter Commission, which had drafted the new charter and waged the campaign for its adoption, followed the Cincinnati example and entered the field with a slate of seven outstanding candidates consisting of business and professional men who had hitherto taken no part in politics. This commission did not form a ward and precinct organization, but did secure publicity for its candidates. Four were elected. Two of the other three positions were filled by candidates of a Public Ownership League, formed to fight the sale of the city's gas and electric plants. The other place went to a candidate of the Democratic organization, led by a former mayor and supported by one faction of the Republican organization.

The council selected one of the charter members, Raymond H. Burke, a leading business man and former university professor, to be mayor. Russell P. Price, assistant city manager of Daytona Beach, Florida, was selected as manager. During the first two years, from 1928 to 1930, the administration made a remarkable showing. The public utilities of the city, formerly involving an annual deficit, were put upon a paying basis, service improved, and rates lowered. Substantial increases of plant were made, which are rapidly being paid for out of the earn-

ings. All talk of the sale of the city's utilities has stopped, and many persons formerly opposed to municipal ownership have since been converted under the new administration.

In 1929, upon petition, a charter amendment to abolish P. R. was submitted to popular vote. The amendment carried only a single precinct out of 77 in the city, and was voted down by 8,611 against to 3,157 for. In the second P. R. election the Charter Commission put up a ticket of seven candidates for council, three of whom were members of the outgoing council, and elected five. Prominent business and professional men were drafted to run. The prestige of the administration was so great that the Republican organization failed to put a slate in the field, giving support to the Charter ticket. One faction of the Democratic organization, led by Former Mayor Koehler, ran a ticket of seven candidates, but failed to elect a single one. Two members of the first P. R. council ran without organization support, and were elected.

The two newspapers of Hamilton supported the Charter ticket and opposed the amendment to abolish P. R. The attack upon P. R. was principally based upon the selection of a city manager from out of town. The Koehler organization, though professing adherence to the city manager plan, adopted the platform of "Home Rule—Hamiltonians Should Govern Hamilton." The strength of the charter ticket, the large vote to retain P. R., and the undivided support of the better elements of the city, including both of the local newspapers, afford ample evidence that P. R. has been a success so far in Hamilton. The history in this city is a striking parallel to that in Cincinnati, with the important exception that the Charter Commission has not attempted to form a ward and precinct organization or to put on a campaign, except through the newspapers. No house-to-house canvassing is done. In the last election the campaign consisted of a few high-class advertisements prepared by a local advertising man who volunteered his services.

It is significant that although Hamilton is an industrial city, there is no strictly labor representative on the council. The Charter Commission did not include a labor representative on its slate. Yet, despite this fact, labor is well pleased with the present government and considers that it is getting a square deal. In a recent labor dispute, the city manager was appointed as arbiter. His decision was satisfactory to both sides, and the campaign against him in the last election failed to strike home with organized labor.

KALAMAZOO

Kalamazoo adopted a city manager charter, with a council of seven elected by proportional representation, in February, 1918. Two months later the first election was held under the new charter.[1] The most significant feature of the election was the presence in the field of a socialist ticket, headed by Truxton Talbot, editor of a small weekly socialist paper called *The People*. At first little attention was paid to this ticket, which contained a prominent manufacturer, a reputable physician, a cut-rate clothing man and others, but about two weeks before the close of the campaign, some of the "best citizens," politicians who wanted to discredit P. R., and other candidates formed a municipal voters' league to fight the Talbot ticket. This group attempted to pick a slate of seven candidates which it would endorse, but,

[1] See A. R. Hatton, "Kalamazoo Tries Proportional Representation," National Municipal Review, July, 1918.

unable to do so, advised the voters to cast their ballots for any of the other sixteen candidates who were not on the Talbot ticket. Talbot, who had originally opposed the entrance of the United States into the World War, and whose radical expressions from time to time shocked the conservative members of the community, was played up as a dangerous radical. It was threatened that if he were elected steps would be taken immediately to overthrow proportional representation. Not only was Talbot personally opposed, but his entire ticket was also denounced. Large advertisements were inserted in the newspapers carrying excerpts from *The People*, reflecting upon the church, Y. M. C. A., and the army, to inflame hatred against Talbot and his ticket. One newspaper refused to print Talbot's answer as an advertisement.

All of this provided a great deal of free advertising for Talbot and his ticket. He in turn conducted a shrewd campaign by means of posters and hand bills, with a sworn statement of the refusal of the local paper to run his reply. Naturally this aroused a great deal of sympathy, particularly from the laboring group.

Three persons on the Talbot ticket were elected, including Talbot himself, along with three of the city's most prominent business men and a prominent attorney. One of the candidates elected on the Talbot ticket was a prominent manufacturer, and the other was a reputable physician. Both were generally regarded as socialists. Only one member of the former council was elected, though six had run for office.

Many of the conservative citizens of the city were horrified to find Talbot in the council, but aside from this, the general opinion prevailed that the council was far superior to any previous council. Though the socialists at this time were strong in Kalamazoo, many citizens had not become tolerant enough to look with favor upon a representative of the radicals in council.

Despite the publicity and heat of such a campaign, the vote was very light. Only 4,461 votes were cast out of a registration of approximately 9,000. The objectors to P. R. made it appear that the ballot was difficult to vote, and may have scared many voters away from the polls, though as a matter of fact, only 157 ballots cast were blank or invalid. The count was expeditiously carried out, and the results were announced the following morning.

Talbot as a councilman did not fulfill the dire prophecies which had been made about him during the campaign. Not only did he work harmoniously with other members of the council, but he also gave a generous share of his time to the duties of the office, and his paper became an interpreter of the policies of the government to its readers. A year and a half later when the second P. R. election was held, neither he nor any of the candidates upon his ticket at the first election were included in the socialist ticket which was put into the field. The ultra-radicals were disgusted with him.

The second election turned largely upon municipal ownership. The council had set up a small coal yard, which sold coal in small quantities at cost. This aroused the coal dealers. An investigation was made of the feasibility of supplanting private distribution of milk by a municipal system. The city had long owned a municipal lighting plant, for public lighting only. It was proposed to issue bonds to the amount of $1,260,000 to enlarge the electric light plant so that the city could sell current to private users.

Those who were opposed to these various activities and proposals joined together, centering their attack upon

the proposed extension of the lighting plant, but denouncing P. R. and radicalism in city government. This group, which formed a voters' league, placed a slate of seven candidates in the field. Six of the seven members of council ran for reëlection. Four were reëlected, the conservatives and the radical or liberal group each losing one member. Talbot was reëlected. The voters' league, though it was able to defeat the passage of the bond issue for the municipal lighting plant, was able to elect only one member to council. Two independents, one a popular soldier who had distinguished himself overseas, and the other a man who had waged a vigorous campaign, were also elected.

The vote again was light, only 5,997 votes being cast, despite the fact that women had been enfranchised, and the number of persons in the city eligible to vote was estimated at 20,000. One of the local papers which had been friendly to P. R. stated editorially that it was a failure, on account of the low vote cast.[1]

Shortly afterwards P. R. was held unconstitutional by the Supreme Court of Michigan in a technical decision, and Kalamazoo then turned to the election of its council at large. Several of its members were reëlected under the at-large system, but Truxton Talbot was defeated.

SACRAMENTO

Sacramento held one P. R. election of the nine members of the city council in 1921, at the start of a new city manager charter. Before the second election took place in 1923, P. R. had been held unconstitutional. The council elected contained several successful business men, a woman who was the head of a wholesale grocery business, a former president of the State Federation of Labor, two young attorneys, a former fire chief, and a bookkeeper. The board of freeholders, which had drafted the new charter, put a ticket of nine candidates in the field. One withdrew before the election, and four of the remaining eight were elected. The election was summed up by Professor Cottrell as follows:

> Sacramento held a most successful proportional representation election on May 3rd, on the introduction of its new charter. "Highly successful" is no exaggeration, for it is the almost unanimous opinion of all who watched the election that in character of representation on the new council, the machinery of casting and counting the ballots, the attitude of the people and the press, and the qualifications of the mayor and the city manager selected by the council, proportional representation was given a fair trial and succeeded in all that its proponents claimed for it.[2]

WEST HARTFORD

West Hartford, Connecticut, used proportional representation in the election of its town council in 1921 and 1922. It was not included in the new charter drawn up by a charter commission in 1921, but the commission retained the power to formulate rules and regulations for the first election, and prescribed P. R. Later the system was adopted by ordinance of the town council, but in 1923 the state legislature enacted legislation prohibiting any municipality from using proportional representation.[3]

CANADIAN CITIES

Proportional representation has been adopted by practically all of the cities in the western provinces of Canada:

[1] See A. R. Hatton, "The Second Proportional Representation Election in Kalamazoo," National Municipal Review, Feb., 1920.

[2] E. A. Cottrell, "Proportional Representation in Sacramento," National Municipal Review, X, 411–413.

[3] See Christopher M. Gallup, "The First P. R. Election in New England," National Municipal Review, July, 1921; and Hoag and Hallett, *op. cit.*, p. 207.

Manitoba, Saskatchewan, Alberta, and British Columbia. The province of Alberta passed enabling legislation permitting cities to adopt P. R. in 1916; British Columbia followed in 1917, and Saskatchewan and Manitoba in 1920. In all, seventeen cities in these provinces have tried out P. R., and four still retain it. Twelve cities have abandoned the system, while South Vancouver used it from 1923 until its amalgamation with Vancouver in 1929.

CALGARY, ALBERTA

No attempt will be made here to recount in detail the experience of these Canadian cities, though the writer has visited several of the larger ones. It is generally believed by proportionalists that the adoption of P. R. in these cities was not followed up by a sufficient campaign of education. The first city in Canada to adopt P. R. was Calgary, Alberta, in 1916, a year after Ashtabula adopted the system in the United States. Calgary is situated at the edge of the Canadian Rockies, and constitutes the gateway to the Canadian national parks. In many respects it is similar to Denver, though smaller. Calgary had a population of slightly over 60,000 in 1921.

The experience in Calgary affords a striking similarity to that of Cincinnati. The leading business men of the city formed an organization to draft capable candidates for the city council, and through this have dominated practically every election since the adoption of P. R. At one time the organization was charged with being ultra-conservative and purely a business man's organization, and was opposed by one of the local papers. It later underwent a reorganization, opening up its membership to the public at large, and adopted the name Civic Government Association. While prominent members of the chamber of commerce are active in the organization, great care is taken to prevent it from becoming too closely affiliated with any particular economic class or business group in the city. At the same time, it is frankly a conservative organization, and regularly drafts leading business and professional citizens and elects them to the council.

It is opposed, not by a political machine, as is the case in Cincinnati, but by organized labor, which regularly puts into the field a slate of candidates. In the election of six councilmen every year (for a two-year term), the Civic Government Association (C. G. A.) usually elects four and Labor the remaining two. Both organizations draft their strongest candidates, and the result has been a city council of unusual ability. The affairs of the city are well managed, and the council is praised on all sides. There is more rotation of membership in the ranks of the C. G. A. than Labor, for the business or professional men are usually unwilling to serve more than one or two terms. Labor, on the other hand, finds it difficult to secure candidates who are well enough known throughout the city to run well, and consequently keeps its candidates for a longer period. Labor is forced to nurse its prospective candidates along for a number of years in order to give them enough publicity to be elected.

It might be supposed that this division would lead to constant wrangling and bickering, for the real leaders of both factions are to be found in council. Such is not at all the case. Labor and C. G. A. members of council work together harmoniously, in spite of disagreement upon certain public questions, such as municipal ownership. The writer was much impressed by the courteous relations which prevail, judging by the comments of leaders of each group.

A considerable element of the success and satisfaction with the system may be attributed to the efficiency and rapidity with which the count is conducted under the direction of City Clerk J. M. Miller. The returns are always complete by the following morning. There is no dissatisfaction and, indeed, little comment about the system now. It is taken for granted. It is still necessary, however, for the system to be explained to the voters, which is regularly done by the city clerk prior to municipal elections at various public meetings. There is some objection to the system because of its complexity, but this is overweighted by the support of it both by C. G. A. and by organized labor, and by the feeling that it is accurate and fair.[1]

WINNIPEG

The city of Winnipeg has used P. R. in its municipal elections since 1920. In 1919 Winnipeg had a general strike, following which there was a deadlock in council between labor and their opponents, organized as a citizens' association. P. R. was adopted as the way out of the difficulty, and as a means of guaranteeing to each group fair representation in council according to its strength. The city was divided into three districts, with three members elected by P. R. from each district. In every election since that time, with one or two exceptions, each group has secured at least one representative from each of the three wards of the city, and the general feeling prevails that the system is absolutely fair. It has not, however, made any noticeable change in the personnel of the council. The membership before was not and is not now particularly good or particularly bad. It remains mediocre.

There seems to be general satisfaction with P. R. in Winnipeg, both for the municipal election and for the election of members to the provincial legislature. In the latter case, since there are four parties in the province, an equitable division of the seats according to the strength of the parties would be impossible under any other system. It is generally believed that P. R. is essentially fair, both as between the labor and conservative groups in municipal affairs, and between the four parties in provincial elections. There is, however, some dissatisfaction with it. One of the members of council introduced a resolution to submit the matter to popular vote in 1929, but the resolution was not passed. Several influential members of the chamber of commerce have opposed the system, and there is some dissatisfaction within the ranks of labor.

Most of the other fifteen cities in western Canada which have tried out P. R. are very small in population. Three have a population exceeding 50,000: Edmonton, Regina, Vancouver. Twelve of these fifteen cities, including the three named above, have abandoned P. R. While the circumstances bringing about the repeal varied somewhat in the different cities, in general, it may be said that there was opposition to P. R. because of its complexity, delay in the count, failure on the part of the citizens to understand the system, and perhaps most important of all, because it was felt that the system did not make any marked difference in the personnel of the council. In several cities opposition sprang up because certain minority groups secured representation in the council. Some proportionalists have laid the blame for the repeal in certain cases upon politicians, who found the system unsuited to their

[1] In 1924 the Alberta legislature adopted P. R. for the election of the five members each from Calgary and Edmonton. It has been used so far in one election.

needs. Such a simple explanation is hardly tenable. In the first place, the willingness of Canadian cities to try out P. R., and its widespread adoption in the four western provinces by practically every city of any size, indicates the absence of machine politics. Garfield A. King, formerly secretary of the P. R. Society of Vancouver, wrote in 1918:

> We have, as a rule, no politics in municipal life here and the boss is unknown.[1]

[1] "First P. R. Election in British Columbia," *Proportional Representation Review*, April, 1918.

It should be noted that proportional representation was adopted in the Canadian cities without the city manager plan, except in the case of St. James, Manitoba, and Lethbridge, Alberta. In the United States it has been invariably adopted with the manager plan, and in many cities has been looked upon by the public as a part of the manager plan. The following is a list of the Canadian cities which have used P. R., with the popular vote. [2]

[2] Supplied to the writer by the Proportional Representation League.

City	Population (1921)	Date of Election	For	Against
PROVINCE OF ALBERTA				
Calgary (still in use)	63,305	1916	2,840	1,374
Edmonton (abandoned)	58,821	1922	5,664	3,075
		1928	5,473	6,695
Lethbridge (abandoned)	13,357	1928[1]		
		1929	230	904
PROVINCE OF BRITISH COLUMBIA				
Vancouver (abandoned)	117,217	1920	6,044	2,790
		1923	1,705	3,809
Victoria (abandoned)	38,727	1920	1,296	608
		1921	1,143	2,324
South Vancouver (discontinued)	36,000 (est.)	1918	1,095	390
		1929	(annexed by Vancouver)	
West Vancouver (still in use)	8,000 (est.)	1917	(adopted by ordinance)	
New Westminster (abandoned)	14,495	1917	(adopted by ordinance)	
		1919	(repealed by ordinance)	
Nelson (abandoned)	5,230	1917	(adopted by ordinance)	
		1919	(repealed by ordinance)	
Port Coquitlam (abandoned)	2,148	1917	(statistics unavailable)	
		1921	(repealed by ordinance)	
Mission City (abandoned)	1,036	1917	(adopted by ordinance)	
		1921	(repealed by ordinance)	
PROVINCE OF SASKATCHEWAN				
Regina (abandoned)	34,432	1920	1,414	824
		1923	2,135	1,954
		1926	781	1,230
Moose Jaw (abandoned)	19,285	1920	2,287	678
		1925	839	1,552
Saskatoon (abandoned)	25,739	1920	1,039	651
		1923	2,003	1,965
		1926	1,202	3,014
North Battleford (abandoned)	4,108	1920	315	62
		1924	218	324
PROVINCE OF MANITOBA				
Winnipeg (still in use)	179,087	1920	(adopted by ordinance)	
St. James (still in use)		1923	1,161	511

[1] Adopted by act of provincial legislature, after a plebiscite favoring a city-manager, P. R. charter.

III

PAST EXPERIENCE ANALYZED

We come now to a general analysis of the practical workings of P. R., based upon the experience in these cities, and with particular reference to the claims which are made for it and the charges which are brought against it. The writer does not propose merely to list the arguments pro and con and discuss them, but rather to analyze various phases of the practical operation, some of which are closely related to these arguments.

EFFECTIVENESS OF VOTES

One of the principal arguments for P. R. is statistical—that under it about 80 per cent of the votes cast are effective, that is, help to elect candidates, while under the ward and at-large systems ordinarily only from 50 to 60 per cent of the votes are cast for winning candidates, and approximately 40 per cent are wasted on losing candidates. To be sure, in computing the per cent of effective ballots under P. R., all ballots which help elect some candidate are counted as effective, regardless of whether it is the first or some other choice.[1] Any examination of the election returns under P. R. will show that uniformly a very high percentage of the ballots are effective in helping to elect a member of the council. This is strikingly indicated in the following table:

[1] Statistics showing the per cent of the effective votes under P. R. which are first choices, second choices, and so on, are unavailable. The common impression that many late choices are used is no doubt erroneous. In the 1919 Ashtabula election, when 83 per cent of the valid votes were effective, 86 per cent of the voters saw their first or second choice elected, and 91 per cent saw one of their first three choices elected.

City	Year	Per Cent of Valid Votes Effective
Ashtabula....	1915	80
	1917	78
	1919	83
	1921	83
	1923	83
	1925	83
	1927	82
	1929	83
Cleveland....	1923	81
	1925	82
	1927	80
	1929	78
Cincinnati*...	1925	90
	1927	90
	1929	90
Hamilton.....	1927	84
	1929	85

* The higher percentage in Cincinnati than in other cities is due to the practice of transferring the ballots of the runner up after he has been eliminated, which is provided by charter.

If account is taken only of first-choice votes the percentage is considerably lower. The following table covers the 1929 election in four Ohio cities:

City	Voters Who Saw First Choices Elected (Per Cent)	Voters Whose Ballots Were Used to Elect First Choices (Per Cent)
Cleveland:		
First District ...	50.5	46.6
Second District..	40.4	40.4
Third District...	75.5	67.4
Fourth District..	59.1	59.0
Entire City.....	55.7	53.0
Cincinnati.....	56.8	50.8
Hamilton.....	71.6	59.4
Ashtabula.....	61.0	61.0

It is of interest to make some comparisons with cities using the block or at-large system. The following table shows the experience in Detroit and Dayton since these cities adopted a

small council, elected at large. It should be noted, however, that the comparisons are not on exactly the same basis. The statistics for Detroit and Dayton show the total vote polled by winning candidates out of the total vote cast, but this does not indicate how many voters cast their ballot for at least one winning candidate. It merely shows the percentage of effective votes. Both cities use a nonpartisan primary, which limits the number of candidates in the final election to twice the number of positions to be filled.

other years would show the winning candidates received approximately 60 per cent of the vote cast. A tabulation of the vote cast for aldermen in New York over a period of twelve elections, from 1899 to 1921, inclusive, showed an average of only 54 per cent of the vote was cast for the winning candidate, 46 per cent being wasted upon losing candidates.[1] Statistics of this kind could be piled up indefinitely. In some of the Ohio cities which have had preferential voting or straight plurality voting without a preliminary primary, the per cent of votes received

Year	Vote	Total Vote of Winning Candidates	Per Cent of Votes Effective
DETROIT			
1918	632,791	360,531	57
1921	801,256	497,171	62
1923	702,036	419,630	60
1925	1,750,364	1,101,528	63
1927	1,456,807	917,550	63
1929	1,677,459	1,081,374	65
Totals	7,220,713	4,377,784	60.5
DAYTON			
1913	90,035	58,835	66
1915	46,511	26,426	57
1917	88,250	50,422	57
1919	50,834	29,548	58
1921	109,346	60,305	55
1923	70,290	51,217	73
1925	79,101	50,429	64
1927	52,573	31,683	60
1929	64,168	48,638	76
Totals	651,108	407,504	62.5

The statistics of the last aldermanic election in Milwaukee (1928) may be taken to illustrate the ward system, with a nonpartisan primary and an election following between the two highest candidates in each ward.

The aldermanic election in Milwaukee in 1928 was more hotly contested than usual, resulting in twelve new members being elected to council. It is quite probable that statistics for

by the winning candidates has at times been considerably less than 50 per cent.

A careful analysis of these statistics will show that there is a marked similarity between the per cent of effective votes under the ward and at-large systems with the per cent of voters under P. R. who saw their first-choice candidate elected. The superiority of P. R.

[1] *Proportional Representation Review*, Oct., 1922.

MILWAUKEE, Councilmanic Election, 1928

Ward	Total Vote	Vote Received by Winning Candidate	Vote Received by Losing Candidate	Per Cent Effective
1	5,128	2,899	2,299	57
2	2,273	1,308	965	58
3	1,837	1,478	359	81
4	4,018	2,116	1,902	53
5	3,180	1,964	1,216	62
6	3,075	1,558	1,517	51
7	2,925	1,910	1,015	65
8	3,829	1,963	1,866	51
9	2,831	1,417	1,414	50
10	1,549	1,037	512	67
11	3,708	1,893	1,815	51
12	3,178	1,795	1,383	58
13	4,465	2,456	2,009	55
14	5,765	3,345	2,420	58
15	4,107	2,347	1,760	57
16	4,827	2,619	2,208	54
17	5,741	3,576	2,165	62
18	5,667	2,913	2,754	51
19	5,587	3,286	2,301	59
20	8,239	4,693	3,546	57
21	5,635	2,878	2,757	51
22	7,066	4,101	2,965	58
23	6,108	3,135	2,973	51
24	4,456	2,265	2,191	51
25	5,405	2,940	2,465	54
Totals	110,579	62,862	47,717	57

is due to the multiplicity of choices and the alternative vote. The principal claim of the proportionalists, that the system will result in a maximum percentage of votes being used to help elect some candidate, with a minimum wastage of votes, is amply borne out by every P. R. election. The superiority of P. R. over other types of election on this point may be conservatively estimated at 20 per cent of the total vote cast. Or to put the matter another way, under P. R. four voters out of five have their ballots counted for one of the candidates for whom they have expressed a choice, while under the ward system, with a preliminary primary, only three voters out of five see their vote help to elect a candidate. Under the block system only three out of every five votes are effective in helping to elect a candidate, but, since each voter casts his ballot for a number of candidates, in all probability a much larger proportion of the voters vote for one or more of the winning candidates.

After all, however, is this consideration of much importance? Is the voter who casts his ballot for a defeated candidate unrepresented in council? Is a vote cast for a losing candidate wasted?

The high per cent of effective votes under P. R. means that the election cannot be manipulated by a political organization; that the persons elected to office are representative in the sense that their election was desired by the voters; that majority rule is assured and every substantial minority is represented. The high percentage of ineffective ballots under the ward and at large system may mean that the council is not truly representative. A party organization (if the election

is conducted on party lines) or some other group of voters may be underrepresented or not represented at all.

Nevertheless, the ordinary implication that a high percentage of wasted ballots means that a large group of like-minded voters are necessarily unrepresented in council is a pure fiction. True, the use of a multiplicity of choices with the transferable vote inevitably results in a much higher percentage of votes being used to help elect a candidate, and for that reason the Hare system of proportional representation is definitely superior to the ward or block system of elections. But it must not be forgotten that the successive choices decrease in importance.

DOES P. R. SECURE A MORE REPRESENTATIVE COUNCIL?

Proportional representation is advocated because it will secure a truly representative council, one which is a "true sample" or "small map" of the entire population. The word "representative" is an all-inclusive term. Practically any council can be said to be "representative." If an Italian is elected to council, this is pointed out as proof that it is representative, but if the Italians vote for an Irishman, then it only means that they preferred to have a representative who was not a member of their race. The election of Negro members to the council in Cleveland is cited as proof that P. R. secures a representative council, but, on the other hand, the failure of the Negro voters of Cincinnati to elect a member to council only proves that they do not vote along racial lines. The election of Democrats and Republicans to council in Cleveland and Cincinnati in proportion to the strength of these parties is proof that the council is representative, but, on the other hand, Hamilton, a normally Democratic city, failed to elect a single Democrat to council in 1927, but this does not prevent the council from being representative.

It matters not who is elected to the council, the proportionalists can always point out how perfectly representative the council is. The late E. C. Hopwood, formerly editor of the Cleveland *Plain Dealer*, once said that he had lost patience with some of the proportionalists who would justify even the election of Captain Kidd and Jesse James to the council, on the ground that there was a like-minded group of voters who demanded their election.[1]

There has been a great deal of loose thinking and loose writing upon the subject of representation as applied to a city council. There are proportionalists who look upon P. R. primarily as a means for securing a true sample or small map of the entire citizenship, as a means of democratizing municipal elections, holding that the qualifications and abilities of the members elected are purely secondary and incidental. With this the writer cannot agree. The members of a city council are not, or at least should not be, elected primarily to represent a group or section of the city, but rather to have charge of the public affairs of the city. They should be voted for because of their ability, experience, and integrity, rather than their membership in a particular race, religion, party, group, belief or disbelief in prohibition, or their stand on other particular public questions. This is not merely an ideal state, but is an actual description of what takes place in many municipal elections. The election of capable persons, outstanding citizens, is of far more importance than the election of typical citizens. If a true sample or small map of the population is really desired, some ingenious lottery device would

[1] *Tenth Yearbook* of the City Managers' Association (1924), p. 175.

be vastly superior to any system of popular election.

However, it is desirable to have a council that is—to use that vague term—representative. Many city councils do not contain a single leader in the civic, social, and economic life of the community. They consist of mediocre persons generally labeled "politicians." Other councils may consist entirely of business men, and the city government be controlled by the wealthier groups. This is not representative, nor is it desirable. A city council may contain a representative of every race, every religion, every party, and every geographical section of the city, without being truly representative. Every large section or group of the population should have representatives of their choosing in the council, and the system of election should enable and encourage each group to elect its real leaders. The practical experience of P. R. shows that it does this more effectively than other methods of representation.

DOES IT INCREASE RACIAL AND RELIGIOUS VOTING?

A great deal of the discussion of the practical working of proportional representation has had to do with its effect upon racial and religious voting. The proportionalists claim that it will ameliorate such groupings and lessen voting along these lines by insuring to each group a representative, if it has sufficient strength, while the opponents claim that it tends to divide the community into racial and religious blocs. It is perfectly well known that voting along these lines is practised in every large city in this country, from time to time, whether it has P. R. or not. A careful study of the personnel of the Ashtabula council during the first ten years of P. R. and a comparison with the personnel during the preceding ten years shows that there was little difference in the representation of the foreign groups in the two periods. P. R. has made little difference in the racial composition of the Cleveland council, except to increase the Negro representation. Persons are still elected to the council primarily because they are Italians, Irish, Poles, Hungarians, or what not, but this was the case certainly under the old ward system. Careful studies of the transfer of votes under P. R. in Cleveland and Ashtabula show a large amount of racial voting, but this is inconclusive, because it is known that this practice is not confined to P. R. On the other hand, in Hamilton and Cincinnati, the transfers follow organization lines rather than racial ones. Race seems to have played little part where the voter had some other good basis for voting, such as the support of the Charter Committee or the Republican organization in Cincinnati.

Racial voting has been much more extensive in Cleveland than in Cincinnati because of the higher per cent of foreign population, and also because the large council, consisting of twenty-five members, greatly facilitates the voting of small racial groups as a bloc. A smaller council, as in Cincinnati and Hamilton, obviates a great deal of this. The organization of a Charter Committee, which put a ticket into the field, gave the Cincinnatian something better and more sensible to follow in his choices. There has been no similar organization in Cleveland until the last election, in which, however, many voters exhibited a decided tendency to support all of the members of the P. G. ticket or Republican slate in their district.

In Ashtabula the Catholics were unable to elect a single representative to the council in the ten years prior to the adoption of P. R., but have elected uniformly one member to council since, despite the fact that the religious issue

was prominent in two elections. Studies of the transfer of votes in the Cleveland elections show that religion has played a large part, for when the votes of a Protestant candidate are transferred, they go in largest numbers to other Protestant candidates, and the same is true of Catholic candidates. Similar studies in Cincinnati prove just the opposite. Voting along religious lines in Cleveland is not new, nor confined to municipal elections. Cincinnati is fortunate in that the various religious groups are unusually tolerant, and there is little antagonistic feeling present.

Proportional representation permits and perhaps facilitates voting along racial and religious lines, but there is no proof that it has actually increased such voting. If the voters will vote along racial lines, P. R. permits them to choose their own leaders. It affords voters of all races and religions better grounds to vote upon. The use of a large council, such as in Cleveland, is a distinct encouragement to such voting. Competent observers in Cleveland have stated to the writer that race and religion have little to do with the action of the members of council after they are elected, and that racial and religious alignments are forgotten. Perhaps the voters will learn eventually to forget them during the election.

DOES IT ELECT RADICALS?

It is claimed for P. R. that it will secure representation of various minority groups in council, and it is urged against it that it will elect faddists and extremists. A socialist was elected to the first three P. R. councils in Ashtabula, but not since. The socialists in Ashtabula, as well as elsewhere, have greatly declined in strength. At the first P. R. election in Kalamazoo, three socialists, headed by Truxton Talbot, were elected to the council, but two of these persons were reputable business men, and were not looked upon as dangerous radicals. Generally speaking, the middle-of-the-road candidate rather than the extremist is elected under P. R. It is rather a disappointment not to find at least one out-and-out radical in the council of some of the cities with P. R., but they are not to be found.[1] The communists and ultra-radicals fare badly at the polls under P. R. as well as under other systems in this country. Peter Witt, popular radical and leader of one wing of the Democratic party in Cleveland, is the only person generally regarded as a radical who has been elected to the city council of either Cleveland or Cincinnati, though a number of liberals have been elected.

In several Canadian cities, organized labor has used P. R. as a means of securing representation in council. Much of the opposition to P. R. in several cities was due to this fact, but in Calgary and Winnipeg the labor and conservative members work together quite harmoniously. In this country organized labor has made little use of P. R. A labor official was elected to the council in 1925 in Cincinnati, and also a labor representative was elected to the Sacramento P. R. council, but these are exceptions to the rule. Labor seems not to have been politically minded, and has been content to support politicians as of yore, or to vote for outstanding business men who have a reputation of dealing fairly with labor.

ARE BETTER COUNCILMEN ELECTED?

It is claimed that proportional representation will improve the quality of the council, since it will make it easy for outstanding citizens, who might have difficulty in being elected under

[1] Dr. Mark Millikin, member of the Hamilton council, is an outspoken liberal and a single taxer.

the ward or block system, to be elected. On the other hand, it is urged against proportional representation that it makes no difference in the type of persons elected to the council. How are we to measure the "ability" of members of the council? Is this not, like "representative," a vague term, quite dependent upon the outlook of the observer? There are, however, in Ashtabula, Cleveland, Cincinnati, Calgary, and other P. R. cities some very definite judgments held by well-informed people. According to the study of Moley and Bloomfield the quality of the Ashtabula council was measurably improved after the adoption of P. R., but the difference was not great. The first two councils in Cleveland contained four independents who were valuable members, though they constituted a distinct minority. The third council was a disappointment. Two of its members (both of whom were elected to council previously under the ward plan) are now serving terms in the state penitentiary,[1] while others are implicated in land graft. The present council of Cleveland, however, is a decided improvement, and would compare favorably with the city council of any other large city in the country, even of Cincinnati. P. R. seems to be coming into its own in Cleveland, in part because of the reaction from the city hall scandals, and in part because of the formation of a Progressive Government Committee to draft capable candidates and to wage a campaign for them.

The city councils elected under P. R. in Cincinnati have been uniformly of high caliber, and have supplied the city with wise and courageous leadership. It was feared by many that when the original bloom of civic virtue had faded the Charter Committee would go the way of all reform organizations. It has weathered the storm successfully so far, and a crucial test was afforded in the 1929 election when four of its councilmen declined to run again. The experience in Hamilton has been similar to that in Cincinnati. Kalamazoo and Sacramento elected eminently satisfactory councils in their brief experience with P. R., but it may be suspected that this should be attributed largely to the newness of the charter and the zeal of a new civic movement. Boulder, Colorado, has elected satisfactory councils under P. R., but the councils prior to the adoption of the system were also satisfactory. There has probably been some improvement, but it has not been marked.

Calgary has found P. R. a means of electing to its council the industrial, business, professional and labor leaders of the community. All factions are highly pleased, and attribute the high quality of the council to P. R. In Winnipeg, on the other hand, it has made little difference in the personnel of the council. Other Canadian cities have abandoned P. R. partly because they could see no difference in the council, and thought the system was not worth the trouble.

In the cities where P. R. has been an outstanding success—Cincinnati, Hamilton, and Calgary—there exists a nonpartisan organization dedicated to the task of drafting capable candidates to stand for election, and securing their election. Under P. R. such an organization is assured of representation in council according to its strength; it does not have to go into each ward and select a candidate agreeable to the dominant political group of that particular ward; it does not have to dicker with the party organizations, though it may fuse with them; it does not have to

[1] One case is still being appealed.

wage its battle in the partisan primary of any party; it may pick outstanding citizens to run for council and give them some assurance that they will be elected. Even a perfect election system cannot elect capable men to the council, unless capable men stand for election. P. R. prevents the politician from controlling the nominations for public office, and opens up the way, through a nonpartisan organization of citizens, for the outstanding citizen to be brought into the race.

HOW DOES P. R. AFFECT POLITICAL PARTIES?

Political parties have practically disappeared in municipal politics in Ashtabula, Hamilton, Boulder, and Calgary, but still retain some hold of municipal government in Cleveland and Cincinnati. The Republican political organization in Cleveland remained in control of the city government during the first six years of P. R. with a very comfortable majority, and in addition carried on a working agreement with the Democratic organization. At present its control over the council is considerably jarred, though it still nominally has a majority. The Republican machine of Cincinnati, formerly completely dominating the council and the city government, has been able to elect only three members to the council of nine since the adoption of P. R. While the organization still functions in city elections, calling upon the faithful to stand by good old Republicanism and "Party Responsibility" in order to save the party in the state and the nation, it has not been able to increase its membership in council. A few more lean years will probably disrupt the organization, which, except for the patronage of the county offices, might have disappeared already.

HOW DOES P. R. AFFECT THE NUMBER OF VOTES CAST?

Another point which is often raised in connection with proportional representation is the effect which it will have upon the interest of the citizen in his government, or more specifically, upon the number of votes cast in municipal elections. The proportionalists claim that since 80 per cent of the voters will see their ballots used to help elect a candidate of their choosing, and many of them see several candidates of their choosing elected, P. R. will stimulate voting. On the other hand, the opponents of P. R. in Cleveland have raised a hue and cry against it on the ground that it has decreased interest in municipal government and lowered the vote. The best evidence on this point is the election statistics of several cities which have used P. R. for the longest period of time. The statistics for Cleveland since 1915 are as follows:

Year	*Vote Cast*
1915	112,970
1916	109,421
1917	116,161
1918	93,425
1919	112,571
1920	184,301
1921	154,123
1922	122,397
1923 *	114,613
1924	197,076
1925 *	108,167
1926	106,836
1927 *	163,901
1928	255,215
1929 *	130,101

The municipal elections are in the odd-numbered years, and those conducted by P. R. are starred. It will be noticed that there has been a decline in the popular vote in municipal elections since the adoption of P. R. The vote fell from 154,123 in 1921 (the last election under the ward system) to

114,613 in 1923, and 108,167 in 1925. However, the vote in the state and county election in 1926, at which a United States senator was elected, was even lower—106,836. In the last two P. R. elections the vote has markedly increased. The story is not complete without an account of the vote cast in the direct primary elections before the state and county elections, which, of course, are far more important than the general election following. In 1926 the total vote cast in the primary of both parties was only 43,988, and in 1928 it was only 83,843. These statistics should put at rest the charges against P. R. on the score of decreasing the vote in Cleveland.

The following statistics for Cincinnati, covering municipal elections since the enfranchisement of women, shows that P. R. has not decreased the total vote cast:

1921	136,380
1923	115,826
1925 *	124,091
1927 *	131,416
1929 *	138,763

The careful study made of P. R. in Ashtabula by Moley and Bloomfield revealed, as has been pointed out, that voting declined to the extent of 12 per cent over the preceding ten years in municipal elections, but a similar decline was experienced in state elections as well. Certain P. R. elections in Boulder and the two elections in Kalamazoo were particularly marked by the low vote cast, but these could be matched by almost any city having the city manager form of government, and a small council elected at large. The absence of old-fashioned, mud-slinging ward contests, as well as the dramatic mayoralty fight, tends to reduce the number of votes cast. Corruption in government, party machines, charges and counter charges, all are sure to build up a large vote. A good administration and general satisfaction are not conducive to heavy voting. On the whole, P. R. makes little if any difference in the number of votes cast.

INVALID BALLOTS

It is sometimes stated that the voter will be unable to mark his ballot correctly under P. R., and that the number of spoiled or invalid ballots will be great. Only in one city, Boulder, Colorado, has the number of invalid and blank ballots been sufficient to arouse any serious objection to the system. The statistics for Boulder have already been given, and may be accounted for by unusual conditions in that city. The typical experience is indicated in the table on page 377.

These statistics indicate that invalid ballots are not a major problem under P. R., and that the number tends to decline after the system has been used for a number of years, though it frequently mounts at the second or third election. Professor Mott's analysis of the causes of the invalidity of the ballots in the first P. R. election in Cincinnati shows that more than half are due to the use of several "X's" instead of numbers.[1]

DOES THE TRANSFER OF VOTES CHANGE THE RESULTS?

It is sometimes pointed out that the candidates who receive the highest first-choice vote under P. R. are almost uniformly the ones who are elected after the elaborate count and the transferral of many ballots. In Calgary, for example, in the five elections from 1924 to 1928, inclusive, the six or seven highest candidates (depending upon the number to be elected) on first choices were in every case elected when the P. R. count was finished. It is said that practi-

[1] Rodney L. Mott, "Invalid Ballots under the Hare System of Proportional Representation," *American Political Science Review*, Nov., 1926.

City	Election	Total Ballots	Invalid Ballots	Per Cent Invalid
Ashtabula	1915	3,334	362	10.8
	1917	3,438	262	7.6
	1919	3,294	445	13.5
	1921	5,154	156	3.0
	1923	5,196	178	3.4
	1925	4,781	237	5.0
	1927	6,215	328	5.3
	1929	6,107	227	3.7
Calgary	1917	5,367	178	3.1
	1918	7,069	643	9.1
	1919	7,401	575	7.8
	1920	8,461	541	6.4
	1921	9,505	409	4.3
	1922	13,483	476	3.5
	1923	11,093	271	2.4
	1925	10,445	237	2.8
	1926	10,897	217	2.0
Cleveland	1923	114,613	8,767	7.7
	1925	108,167	8,518	7.9
	1927	163,901	17,088	10.4
	1929	130,101	6,648	5.1
Cincinnati	1925	124,091	4,361	3.5
	1927	131,416	7,129	5.4
	1929	145,464	6,701	4.6

cally identical results would be secured under a system of limited voting, with every voter being permitted to vote for one candidate only, and the candidates with the highest votes elected. This questions the necessity or wisdom of the elaborate count under P. R., the expression of numerous choices by the voter, and the transferable vote, though it is not an argument for the ward or block systems.

The experience of various cities using P. R. upon this point is significant. Of the even one hundred members elected to council in Cleveland under P. R., eight were not among the highest on first choices, and were elected by transfers. In some cases better candidates were elected, as, for example, in the 1929 election when Furth was elected over Kohen, but in other cases poorer candidates were elected, or there was little difference. In Ashtabula during the first eight elections, involving 56 councilmanic positions, there were eight candidates elected who were not among the seven highest on first choices. Arthur Rinto, who stood sixth in first choices in 1915 (seven councilmen to be elected), was defeated, but in 1921 he stood eighth and nosed out the candidate who stood seventh. In 1927 Rinto stood ninth and was elected. In the first P. R. election in Cincinnati (1925), Matthews, a Charter candidate who stood tenth, was elected over Schmidt, a Republican organization candidate who stood ninth on first choices. In 1927 the candidates who stood tenth and eleventh were elected over the candidates who stood eighth and ninth, while in 1929, Hall, a Negro candidate who stood eighth on first choices, failed to pick up strength as the count progressed, and Pollak, a wealthy manufacturer on the Charter ticket and a Jew, who stood twelfth on first choice votes, came to the front and was elected over Daly and Friedman, Republican organization candidates who stood tenth and eleventh. In the first

POPULAR VOTE ON PROPORTIONAL REPRESENTATION IN CITIES OF THE UNITED STATES

	Year	For	Against
Cities adopting P. R.			
Ashtubula.....	1915	588	400
	1920	2,775	2,336
	1926 *	2,283	1,936
	1929	1,935	2,639
Cleveland.....	1923	77,888	58,204
	1925	20,918	20,353
	1927 †	80,148	73,732
	1928	44,122	40,890
	1929	50,138	47,134
Cincinnati.....	1924	92,510	41,105
Hamilton.....	1926	5,555	5,377
	1929	8,611	3,157
Boulder.....	1917	691	131
	1923	2,730	1,340
	1925	1,709	1,284
Kalamazoo.....	1918	2,403	659
Sacramento....	1920	7,962	1,587
Cities rejecting P. R.‡			
Canton, O.....	1921	3,218	6,841
Minneapolis....	1926	27,973	59,472
West Allis, Wis.	1926	985	3 262
Toledo O.....	1928	36,445	52,604
Zanesville, O...	1929	2,175	7,016

* There was another proposal which received a slightly different vote.

† This vote is on the Davis amendment. The other proposals were not seriously considered on account of the contest being centered on the Davis amendment.

‡ Los Angeles voted down a proposal to adopt P. R. in 1922, but the election came shortly after a supreme court decision holding P. R. unconstitutional, and is of no significance. The following cities failed to adopt P. R., but statistics are not available: St. Louis (1916), Flint, Mich. (1919), Coshocton, O. (1919).

P. R. election in Hamilton (1927) the seven highest candidates on first choices were elected. In 1929 the seventh candidate was nosed out on the last count by the candidate who stood eighth. Out of 81 candidates elected in Winnipeg from 1920 to 1928, 75 were among the highest three in their district (three councilmen elected to each district), and 6 candidates who stood fourth were elected.

It is not safe to assume, however, that under a system of limited voting the voters would always vote for the candidate for whom they cast their first choice under P. R. They would feel impelled to measure the chances of success of their first choice, and might vote for another candidate, believing that the favorite did not need their vote or stood no chance of election. While the changes have not been numerous, some of them have been significant, and certainly the transferable vote relieves the voter of guessing about the strength of his favorite candidate. The evidence is not conclusive enough to justify a statement that the transferable vote is unnecessary, but it is proof that certain modifications and simplifications might be made without changing the practical operation.

IS P. R. POPULAR WITH THE VOTERS?

A final consideration is the judgment of the rank and file of citizens upon proportional representation after it has been used. In all, ten referendum votes have been held in this country after trial of P. R., and ten in Canada. Proportional representation has been sustained in every case in this country, except the last vote in Ashtabula, when it was abandoned, but it must be noted that in all but four elections, P. R. and the manager plan were voted on together, and no clear expression of public sentiment could be secured. The vote in Ashtabula and Cleveland was close in all elections, but the vote in Boulder and Hamilton was overwhelmingly in favor of P. R. and the manager plan. P. R. has not fared well at the hands of the Canadian voters after trial. It has been voted out in every city where there was enough sentiment against the system to bring it to a popular vote, though it should be added that Regina and Saskatoon both voted to continue the

system in force when the first referendum election was held after trial.[1]

The statistics for the cities in this country, including the vote when P. R. was originally adopted, are given in the table shown on preceding page.

The general impression prevails among well-informed persons in Cleveland that P. R. is very unpopular, and that if a clear-cut vote ever comes on the issue, separate from the city manager plan and free from personalities, it will be voted out. On the other hand, it is popular in Cincinnati, and probably would be sustained by a large vote. The vote on P. R. in Hamilton in 1929, which did not involve the manager plan, shows that P. R. is popular there. In many of the Canadian cities the vote was overwhelmingly against P. R., though in a few cities it was close.

[1] For the statistics on the referendum votes in Canadian cities, see p. 367.

When all of the referendum votes on P. R. have been taken into account, in this country as well as in Canada, it must be admitted that P. R. is not popular with the rank and file of voters. The widespread repeal of P. R. in Canada is significant. Its association with the manager plan in this country has probably saved it several times. The average voter does not understand the system, and resents this fact. In some cities he is told by political organizations that it is complicated, mysterious, un-American, socialistic and undemocratic. The statement by Newton D. Baker of Cleveland, "there are said to be a few people in Cleveland who understand the system, but I must confess that I have not been able to find them," is, no doubt, rhetorical exaggeration, but it is undoubtedly true that few persons actually understand the system. The voter who does not understand it is apt to be suspicious and unfriendly.

IV

GENERAL SUMMARY AND SUGGESTED SIMPLIFICATIONS

Proportional representation is an important electoral reform. While it has not been uniformly a marked success in all of the cities where it has been used, it has done all that its proponents claim for it in Cincinnati, Hamilton, and Calgary. The experience in Cleveland has been, on the whole, quite satisfactory, though one council was a disappointment. The experience in Kalamazoo and Sacramento was too brief to be used as a basis for any conclusions, though the councils elected under P. R. were eminently satisfactory. In other cities, Ashtabula, Boulder, and the several Canadian cities, P. R. has not lived up to the claims made for it. It has been neither a definite success nor a definite failure In many of these cities it has resulted in a slightly improved council, and everywhere the council has been more truly representative of the wishes of the voters.

It is a mistake to assume that proportional representation, or any other electoral device, will of itself revolutionize the political life of a community. Proportional representation facilitates the election of the real leaders of a city to the city council, works with absolute fairness to the various groups in the election, prevents the manipulation of the election, guarantees minority representation as well as majority control, and, most important

of all, makes it feasible for nonpartisan citizens interested in securing good government to form a civic organization which will draft capable candidates and secure their election. No method of election can do other than choose from the candidates who stand, and if the candidates are incapable, the councilmen will be unsatisfactory. Where P. R. has been a decided success, a Charter Committee (Cincinnati), Charter Commission (Hamilton), Civic Government Association (Calgary), or Progressive Government Association (Cleveland in the last election) has been formed to make it a success.

No city of any considerable size can hope to have, except for brief periods, a council consisting of the real leaders of the city, without some organization of this kind. No self-respecting organization, economic or social, holds an election without making use of a nominating committee. Heretofore, the political parties have been the nominating committees, with results satisfactory to the party organizations. Under the ward system of election it is quite out of the question for a civic organization to function effectively in drafting satisfactory candidates for the council. Under the election-at-large method it is ordinarily impracticable, for unless the civic organization can secure a majority of all votes cast from the very start, it will secure no representation in council, and cannot survive. Capable candidates cannot be drafted for public office without a pretty definite assurance that they will stand a good chance to be elected. Under P. R. a nonpartisan citizens' organization is sure of securing some representation, from the very start, and this makes it possible to persuade outstanding persons to run for office.

If proportional representation is to be widely adopted, however, and is to hold the ground which it has already made, it seems imperative to simplify it so as to make it understandable to the average voter. It may be hoped that the voters will not be concerned about the complexity of the system and their inability to understand it, provided they secure satisfactory results, but this has not been the experience. It may be advisable to give up some of the theoretical merits of the system in order to simplify and popularize it. The proportionalists themselves have been willing from time to time to adopt modifications designed to improve the system or to make it more readily understood, as witnessed by the use of a fixed quota in the proposed charters of Toledo, Zanesville, Milwaukee, and Philadelphia.

THE QUOTA

The use of a quota instead of a majority is easily enough understood, but the method used to arrive at the quota is difficult for the average voter to understand and to remember. The Droop quota, which is generally used under the Hare system, is arrived at by a mathematical formula which is difficult to explain. To the man of the street there is something technical and complex about it. This has given so much trouble that several proposed proportional representation charters have adopted a fixed quota, in order that it may be more easily understood. However, P. R. charters with a fixed quota were recently defeated in Toledo and Zanesville. Numerous objections may be raised against it. It involves a variable number of councilmen from one election to the next, and while provision may be made for increasing the fixed quota from time to time, thus preventing the council from increasing in membership beyond a fixed point, all of these provisions are difficult to explain. In Toledo a great deal of

objection was raised to the fixed quota on the ground that it would result half the time in an even-numbered council, and deadlocks would ensue. If the council is small, there is some validity to this objection.

The essential principle of the Droop quota (the number of votes cast is divided by the number of positions to be filled plus one, and the quotient plus one is the quota) is to secure the lowest possible number at which it is impossible to elect more candidates than there are positions to be filled. The real purpose of the quota, however, is not to fix a number which must be reached by a candidate to be elected, but rather to fix a number beyond which votes will not be counted for a candidate. There are almost always some candidates elected without reaching the quota. In the 1929 election in Cleveland only 9 councilmen out of 25 elected received the quota. The remaining 16 were elected without a quota. In Ashtabula only 3 out of 7 received the quota. Generally speaking, only about half of the candidates elected ever reach the quota.[1] The essential principle of the quota is to turn back the surplus votes so as to prevent votes from being wasted upon a popular candidate.

An analysis of the proportional representation elections shows that few candidates receive a surplus vote on first choices, and that the number of surplus votes is relatively small. In Ashtabula at the 1929 election not a single candidate received a quota on first choices. In Cleveland at the last election only four candidates received a quota on first choices, and the total number of surplus votes transferred was only 3,423 out of a total valid vote of 123,453. This indicates very strikingly that the use of a complicated mathematical formula to arrive at the lowest possible quota is unimportant.

The writer proposes a return to the original Hare quota, which is simply the number of votes cast divided by the number of positions to be filled. If there are nine councilmen to be elected, the quota is one-ninth of the total vote. This is easily explained and easily understood and remembered. The average voter can see some sense to this. Theoretically it is not as sound as the Droop quota, but actually it will rarely ever, if ever, make any difference in the results. Fewer candidates will reach the quota, but that is unimportant. In the opinion of the writer, this simple change would do a great deal to simplify and popularize P. R.

THE TRANSFER OF SURPLUS BALLOTS

It is always difficult to explain the transfer of the surplus ballots of candidates who receive more than the quota of first choices. The transfer of the ballots of candidates who are eliminated is easily understood. The difficult point about the transfer of surplus votes is to show how and why certain ballots are transferred and others are not. A proposed proportional representation charter for Philadelphia simplifies the problem by providing that as soon as a candidate receives the quota, he shall be declared elected, and no further votes shall be counted for him. The order in which the precincts are counted would be determined by lot. This would give practically identical results as transferring the surplus votes. A simpler provision would be to provide that the order in which the wards, instead of precincts, are counted would be determined by lot, thus permitting the various precincts in each ward to be counted and tabulated as usual.

[1] In Cincinnati, however, where the ballots of the last candidate defeated (the runner up) are transferred, all nine councilmen elected in the first three elections have received a quota.

A NEW NAME FOR P. R.

The name *proportional representation* is unfortunate. Not only is it long, containing nine syllables, but it sounds complicated. The initials *P. R.* commonly used by proportionalists do not seem to help matters much. As a matter of principle, aside from other considerations, the name proportional representation may be objected to on the ground that it emphasizes too much the representation of groups or proportions. Newton D. Baker of Cleveland stated the point succinctly when he said:

> The councilmen are elected by a so-called proportional representation ballot. Just what proportion and what the proportion is, with regard to any particular councilman, I have never been able to discover.[1]

The writer has cast about for a short, descriptive title which might be used instead of proportional representation. It may be inadvisable, of course, in view of the amount of advertising which the name proportional representation has received, to attempt to change it at this stage. Nevertheless, the writer proposes the name *choice voting*, which is almost as descriptive, is shorter, simpler, has a more pleasing connotation, and would be more popular. The voter has to express choices on the ballot, and therefore it is choice voting. The ballot is counted according to his choices. Another implication of this term is that the voter may vote his real choices for council, without being restricted to the candidates of his own ward. In the 1929 election in Cleveland, even under the district system which restricted the voter to the candidates of his particular district, nearly twice as many voters cast their first choice for non-residents of their ward as those who expressed first choices for residents of the ward.[2]

[1] Stated to the writer, August, 1928.

INSTRUCTIONS TO THE VOTERS

In order to reduce the number of invalid ballots and to dispel any fear by the voter that he may be unable to mark his ballot correctly, a more effective method for instructing him how to mark his ballot is needed. The method which has been used with great success in Calgary,[3] but not in this country, is to print on the ballot itself a sample ballot in small type with fictitious names, marked with numbers instead of crosses. This shows the voter at a glance how to mark his ballot with numbers. The sample marked ballot should be headed: MARK YOUR BALLOT IN THIS MANNER. Following the sample ballot, the printed instructions to the voter should be as brief as possible. The following is suggested:

> Mark your first choice with a number 1, your second choice with a number 2, and so on. You may vote as many choices as you desire.
>
> DO NOT USE AN X MARK. DO NOT USE ANY NUMBER TWICE.

It is well known that people do not read lengthy directions. It is futile to attempt to explain to the voter why he should cast numerous choices on the ballot. A more effective manner of conveying the same idea is to have the marked sample ballot show as many choices as there are positions to be filled.

A SMALL COUNCIL ADVOCATED

The election of members of the council from districts under P. R. has

[2] The statistics were: voters who marked the first choice for residents of their ward, 45,478; voters who cast first choice for non-residents of the voter's ward, 77,961. *Proportional Representation Review*, Jan., 1930, p. 17.

[3] The sample marked ballot in Calgary is included in the printed instructions posted at the polls.

not worked satisfactorily in Cleveland and Winnipeg. There are a number of decided handicaps. The publicity given to the councilmanic election is greatly restricted, for the voters of each district are interested only in their own candidates. There is no unified, city-wide contest. The choice of the voter is greatly restricted. In Cleveland it has resulted in many councilmen still regarding themselves as representatives of a particular ward. The district system makes it difficult for a civic organization to offer a strong slate of candidates and to secure effective publicity.

The election of a large council under P. R. has serious defects. Large councils do not attract first-class candidates. When used under P. R., even with a district system, a large council facilitates racial voting. The election of a smaller number of candidates, from the city at large, makes this more difficult. The candidates must have the backing of more than a single foreign group, and thus strictly racial representation is discouraged.

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